SENATE—*Wednesday, March 4, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

It was 161 years ago today that President Andrew Jackson gave a clarion call to prayer in his farewell address. Jackson's words challenge us: "You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations, make you worthy of the favors He has bestowed and enable you, with pure hearts and hands and sleepless vigilance, to guard and defend, to the end of time, the great charge He has committed to your keeping."

Let us pray.

Almighty God, as the sword of these piercing words hangs over this Senate chamber today, provide the Senators with a renewed sense of awe and wonder over the awesome challenge You have entrusted to them. Thank You for the abundant courage You provide leaders who seek first and foremost to know and do Your will. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume consideration now of S. 1173, the ISTEA surface transportation reauthorization legislation. As under the consent agreement, the Senate will conclude 1 hour of debate on the DeWine-Lautenberg amendment regarding alcohol levels, with a vote occurring on or in relation to the DeWine-Lautenberg amendment at approximately 10:30 this morning. Following that vote, it's hoped that the Senate will be able to debate an amendment dealing with funding levels. In addition, this afternoon the Senate will hopefully debate an amendment to be offered by Senator McConnell. Therefore, Members should be prepared for votes throughout today's session.

As a reminder to all Senators, the first rollcall vote today will occur at 10:30 a.m.

I urge the Senate to work hard to make progress today. If we can have this debate and vote at 10:30 and go to the funding level resolution and hopefully find a way to complete that today and move on to the McConnell amendment and hopefully get to a vote on that, a great deal can be accomplished today and we can move the bill along considerably.

Mr. President, I would like to yield myself leader time so that I may comment on the Lautenberg amendment briefly.

The PRESIDING OFFICER. The majority leader is recognized.

THE LAUTENBERG-DEWINE AMENDMENT REGARDING BLOOD-ALCOHOL LEVELS

Mr. LOTT. Mr. President, as I understand the amendment, it would require States to enact the .08 alcohol content legislation instead of the present, I think, .10 level of alcohol to be considered drunk. That has to be done by September 30, 2000. Noncompliant States would lose 5 percent of highway funding on October 1, 2000, and then 10 percent thereafter. Currently, 15 States already have the .08 level of alcohol content to be considered drunk in drunk driving cases.

Mr. President, I think we should encourage people not to drink. We should encourage all people not to drink excessively. We should do all that we can to get the States to pass the lower level of .08. I support that. We need to combat the problem of drunken driving.

I understand the tragedy and the ravages of people that drink and drive. My father was killed in just such an accident. So this is not an issue that I take lightly. But I will oppose this amendment. This is a typical Federal Government attitude—not to encourage you to do right, not to say if you do the right thing, there will be incentives in it for you; no; you do it our way, or we will punish you; you will lose funds if you don't do it the way we say. Some people say President Reagan did the same thing. Yes, and I opposed it then, too.

I am very much opposed to alcoholism and drinking and driving. But for us to stand here and pontificate about how you must do it our way, that this is the solution, or we are going to take your funds away, what about poor States like mine where people are killed every week because of bad roads, potholes in the roads, dangerous bridges? What about safety? If a State, for whatever reason, by mistake or obviously for the wrong reasons, doesn't do it, we take a big chunk of money away from them. Is that going to save lives? No. As a matter of fact, it may lead to more lives being lost.

So while I know this is well-intentioned, and while I support the intent or the goals of this legislation, the idea that we are going to punish States because you don't do it our way I think is the wrong thing to be doing. I hope my colleagues will think about this very, very seriously before they cast a vote in favor of this amendment.

Mr. THURMOND. Will the able Senator yield?

Mr. LOTT. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend our able majority leader on his statement and the position he has taken in this matter. I am sick and tired of the Federal Government trying to dictate to the States and threaten to withhold funds if the States don't do what the Federal Government wants. Let us take a stand here today to show that the States have their rights and will not be invaded by the Federal Government.

Mr. LOTT. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota——

Mr. CHAFEE. Mr. President, when we go back on the bill, we will have an hour, equally divided, and the distinguished Senator from New Jersey isn't here, who controls that time, but let's get started here.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

EXPLANATION OF ABSENCE

Mr. CHAFEE. Mr. President, I wish to announce that Senator JEFFORDS will necessarily be absent from today's Senate session due to an illness in the family.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lautenberg amendment No. 1682 (to amendment No. 1676), to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

AMENDMENT NO. 1682

Mr. CHAFEE. How much time will the Senator from Minnesota need?

Mr. WELLSTONE. I will take 3 minutes.

Mr. CHAFEE. I will yield 3 minutes to the Senator from Minnesota, and the Senator from Rhode Island wants 5 minutes, and the Senator from Illinois wants 5 minutes.

The PRESIDING OFFICER. The time until 10:30 is now evenly divided.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am pleased to come to the floor today to add my voice to those of my colleagues, Senators LAUTENBERG and DEWINE, in support of this amendment to require states to pass .08 blood alcohol content (BAC) laws.

People who drive while they are impaired are placing all of us in harm's way. The real issue is whether or not a person should be driving after consuming alcohol. There is no good reason that this should be accepted as a standard practice in our society.

Opponents to this amendment will argue such things as "this means that a 120-pound woman could not drive after drinking two glasses of wine". I believe they are missing the point. The point is that if a person is impaired by alcohol, he or she should not be driving—period. The point is that someone's BAC might reach .08 after consumption of a certain amount of alcohol, and that BAC level might just be indicative of physical impairment that would affect driving ability. We are not talking about someone being fallen-down drunk, but perhaps a young woman whose reaction time might be slowed, so that as a young child darts out into the street in front of her car, she is unable to react quickly, enough to hit the brakes in time to stop the car from hitting the child. Was this woman "drunk"? No, but the alcohol in her body slowed her reaction time.

Here are some facts from the National Institute on Alcohol and Alcohol Abuse at NIH that help to explain the issue:

The brain's control of eye movements is highly vulnerable to alcohol. In driving, the eye must focus briefly on important objects and track them as they and the vehicle being driven move. BAC's of .03 to .05 can interfere with these eye movements.

Steering is a complex task in which the effects of alcohol on eye-to-hand reaction time are super-imposed upon the effects on vision, studies have shown that significant impairment in steering ability may begin at a BAC as low as .04.

Alcohol impairs nearly every aspect of information processing by the brain. Alcohol-impaired drivers require more time to read a street sign or to respond to a traffic signal than unimpaired drivers. Research on the effects of alcohol on performance by both automobile and aircraft operators shows a narrowing of the attention field starting at a BAC of approximately .04.

The National Public Services Research Institute reports the following:

Approximately 10 percent of miles driven at BAC's of .08 and above are at BAC's between .08 and .10. Every year, crashes that involve drivers at BAC's of .08 to .99 kill 660 people and injure 28,000.

Driving with a BAC of .08 is very risky. They estimate that crash costs average $5.80 per mile driven with a BAC of .10 or higher, $2.50 a mile for a BAC between .08 and .99, and only 11 cents a mile for each mile driven while sober.

The preliminary evaluation of the .08 legislation by the National Highway Traffic Safety Administration indicates that this law will reduce alcohol-related fatalities by 5 to 8 percent. This is at least comparable to the impact of other laws such as zero tolerance for youth, administrative license revocation or graduated licensing.

The evidence is clear. There is no good argument against the .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it. There is no excuse not to implement a law that could decrease traffic fatalities by 600 each year, and decrease traffic-related injuries by many thousands. We need to be responsible and encourage the implementation of .08 legislation in all states, and to provide incentive for doing so.

Mr. President, again, I want to add my voice to my colleagues, Senator LAUTENBERG and Senator DEWINE, and support this amendment to require States to pass the .08 blood alcohol content law.

Mr. President, people who drive while they are impaired are placing all of us in harm's way. That is really the issue. Now, opponents of this amendment have argued that this is going to mean such a thing as, "A 120-pound woman could not drive after drinking two glasses of wine." I believe they miss the point. The point is, if a person is impaired by alcohol, he or she should not be driving, period.

There are some important facts laid out by the National Institute on Alcohol Abuse. It lays out clearly why this amendment is so important. The evidence is really clear. There is no good reason and no good argument to be against this .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it.

There is no excuse not to implement a law that could decrease fatalities by 600 each year and decrease traffic-related injuries by many thousands. We need to be responsible, and we need to encourage the implementation of the .08 legislation in all States and to provide those States incentives for doing so. I urge my colleagues to support this amendment.

Mr. President, on a personal note, I want to thank Minnesota Mothers Against Drunk Driving for all that they have done to educate all of us in my State, including me as a Senator. I have been at their gatherings, and I say to my colleague, Senator LOTT, I absolutely accept what he says in the best of faith. I know he is committed to the general concept. But I believe, after spending time with these families who have lost so many loved ones in these accidents, that we ought to be as tough as possible. This is a matter of public health. We ought to make sure that we have as few people driving who are impaired from alcohol as possible around our country. This is an issue for our national community. This is a matter of public health. This is protection for families in our country. This is the right thing to do. I hope we get a strong majority vote for this amendment.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in support of the Lautenberg-DeWine amendment, and I commend both Senators for this excellent amendment. It would, as previous speakers have discussed, establish a .08 blood alcohol concentration level, or BAC level, as a threshold for driving under the influence throughout the United States.

As we all know, drunk driving is a scourge on the highways of the United States of America. It is something that we are all against. This legislation would take a very positive step to ensure that all States provide for a very rigorous .08 blood alcohol content standard as their measure of driving under the influence of alcohol.

This law builds on previous success. Since 1986, alcohol-related fatalities on our roads have decreased by 28 percent. That is a result of the efforts of many, many people. It is the result of tougher laws, increased enforcement, public education, and particularly the work of Mothers Against Drunk Driving, who have done so much to illustrate this problem and reach policymakers throughout the United States. Although we are proud of this success, we can and must do more.

In 1996, more than 17,000 people were killed because of drunk driving. Now, these deaths are not accidents because these are tragedies that could have been avoided—many of them—if we had tougher laws and better enforcement. That is what we are about today. We are trying to declare throughout this country that we have a tough standard for those who would drink and drive, a standard that would save lives throughout this country in every community.

I don't think any of my colleagues would like to say to a family who lost a loved one and tell them, "Well, the standard of .10 was OK," because in that situation it's not OK. We can do better. We know these laws work, and we want to make them work much, much better.

In essence, the .08 blood alcohol concentration standard means fewer deaths on the roads of America, fewer driving fatalities, fewer young people cut down in the prime of their lives, and it means a safer America. That is what we should stand for today.

Currently, 15 States already have adopted a .08 blood alcohol concentration standard. A recent study by Boston University showed that these States experienced a 16 percent decline in fatal driver crashes where the driver's BAC was .08 or greater. Already these States have shown that this standard saves lives. And we can do better.

It is estimated that nationally, if we adopt the .08 standard, we can save between 500 and 600 lives a year. Those are impressive statistics. But lives alone are not at stake. Each year drunk driving accidents cost this country $45 billion. That is six times more than we spend on Pell grants. We can do better. We can save lives. We can save resources. We can make our world much, much safer.

There are those who argue that this would put a huge constraint on law-abiding Americans who occasionally will have a drink and then drive. That is something I don't think is true at all because under this standard a 170-pound man must consume more than four drinks in an hour on an empty stomach to reach this BAC. A woman of 135 pounds would have to consume three drinks. That is not social drinking. That is drinking irresponsibly, and then getting into an automobile.

This law will not affect the reasonable, rational, careful, deliberate person who may have one social drink or two and then drive. In fact, the American Medical Association said that really the beginning of impairment is not .08, it is .05 blood alcohol content. So this standard is far from what medical experts would argue is the beginning of deterioration of motor skills when one drives an automobile. We can do better. We have to recognize today that we must do better.

There are those of my colleagues who have suggested that this proposal is an improper infringement on the prerogatives of the States. First of all, we have taken positive steps before in this land. For example, just a few years ago we adopted through congressional action a zero-tolerance policy that would say for young people driving that the blood alcohol content was basically zero, that they should have no drinks if they are driving an automobile, and we have seen success already.

Mr. President, we have already seen the success of our zero-tolerance policy throughout the United States, a policy that was promulgated through Congress and adopted by many States, where fatalities at night by younger drivers have dropped 16 percent in States that are following the zero-tolerance policy.

So this law and this approach is not an impermissible imposition on the States. It is a rational, reasonable way to encourage what is the right thing to do. It is small comfort that if one State, such as my State of Rhode Island, adopts this standard but it is not adopted next door in Massachusetts or Connecticut, and someone in Massachusetts comes speeding into my State. That is not a States' rights issue. That is an issue of interstate commerce, of national economy, of national highways that reach every corner of this country regardless of State lines. We don't stop the national highways at the State lines. We shouldn't stop good, sensible bills that will control drunk driving in this country at the State lines.

I urge passage of this legislation, and again commend Senators LAUTENBERG and DEWINE for their excellent effort.

I yield my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to yield 5 minutes against the amendment to the senior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, regretfully I rise in opposition to this amendment. I say regretfully because if I were in the State Senate of Oklahoma, I would vote in favor of this amendment. Presently, there is no Federal standard or Federal law for blood alcohol level—none. So we have an effort now to federalize a national problem. I don't think we should do that.

I led the effort years ago that would allow the States to set speed limits. I thought the States should set the speed limits, not the Federal Government. I didn't say that I thought every State should increase their speed limits. I thought States should set the speed limit.

What about the alcohol level? Again, if I were a State legislator, I would support the lower level. Fifteen States have this level—.08. Maybe it should be lower. Let the States make that decision. I hate to federalize problems, and I hate to tell the States that if they don't do such and such we are going to withhold 10 percent of their money, or 5 percent of their money the first few years and 10 percent thereafter.

Whose money is it? Is that Federal money? No. That money is paid for by our constituents, by our consumers, and by our people who are on the road. They pay that money. It comes to Washington, DC, and now we start putting strings on it. We basically tell the States if you do not pass a law that we have determined is best—and I don't know anything about blood alcohol limits. I have heard three beers, I have heard four beers. I don't know. I have not done the homework. I will take their word for it. But really, should we be dictating or mandating that on the States? I don't think so. And tell the States if they don't pass such and such, we are going to withhold 5 percent of their funds.

We are talking about millions and millions—hundreds of millions—of dollars. In a few years, it will be 10 percent. So it is a real heavy penalty if they don't subscribe to our Federal dictate. I just disagree with that. That money came from the States. It came from individuals. This is not Federal money. For us to put on these strings, I think is a mistake.

I am very sympathetic to the goal of the authors of the amendment, and I compliment them for trying to say we want to reduce drunken drivers on the streets. I want to do the same thing. I just do not agree with their tactics.

The Commerce Committee amendment has some incentives to encourage States to lower levels, and if the States lower those levels, they can get more money. In other words, a little bit of a carrot. This is a heavy stick. As a matter of fact, this is more than a heavy stick. This is a dagger. This says you have to do it. I think we should encourage it.

Again, I go back to the Constitution. Sometimes we ignore the Constitution. But the 10th amendment to the Constitution says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Time and time again we come to this body and we find a problem. And drunk driving is a real serious problem. But we want to have a Federal solution: The Federal Government knows best. I think the framers of the Constitution were right when they said we should reserve those powers to the States and to the people, and encourage the States—maybe even give them a little bonus—if they make some moves that we think would be positive. But to federalize it and now, for the first time in history, have a blood alcohol content which has always been the prerogative of the States, in my opinion, is wrong.

I can count the votes. My guess is that the proponents probably have the votes.

But I think, again, we are trampling on States' rights. We are also trampling on this idea or encouraging this idea that if there is a problem, we need a Federal solution, and we will not give back your money. I resented that when I was a State legislator. I resented the fact that when we sent our highway moneys to Washington, DC, from our State, we only got about 80 cents back. That bothered me. We would only get about 80 cents on the dollar back. Then, not only that, when we got the 80 cents back, we got all the strings attached: You have to have the Federal highway speed limit; you have to have all of these other Federal requirements; you have to have the Davis-Bacon standard. You have to pass all of these rules. By the time we complied with those rules, that dollar would only buy about 60 some cents' worth of road. It wasn't a very good deal for our State.

So I would like to not put more punitive actions on the States if they don't comply with what we think—Government knows best.

Again, I want to compliment the authors. But I think this is an intrusion into States and I urge my colleagues to vote no on the amendment.

Mr. DURBIN addressed the Chair.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair. Mr. President, I thank the Senator from Montana.

Let me at the outset salute my colleagues, Senator FRANK LAUTENBERG of New Jersey and Senator MIKE DEWINE of Ohio, who are, on a bipartisan basis, offering an amendment today which is critically important to the safety of American families.

America has learned the dangers of drunk driving. Americans understand that we lose one of our neighbors, or one of our children, or one of our friends, or one of the people we work with every 30 minutes to a drunk driver—every 30 minutes. America understands that this law which we are debating will save 500 to 600 lives each year. It will spare countless parents, spouses, and friends from the senseless tragedy of drunk driving deaths.

America understands. Does the U.S. Senate understand? The vote will answer the question in just a few moments.

Let me address the issue of States rights. I don't believe this debate is about States rights. I think it is time, in this particular situation, to reject this well-worn argument when it comes to saving lives.

I can remember this argument about States rights a few years ago when I served in the House because there was a hodgepodge of standards around the United States. In some States you could drink at the age of 18, some at the age of 21, and we decided to make it uniform. The States said this is a mistake, that the Federal Government shouldn't to it, that it is the heavy hand of Central Government trying to impose its will on States. Of course, it made no sense.

In my home State of Illinois, where the kids at night would drive across the border to Wisconsin and drink legally and then drive home drunk, killing themselves and innocent people, it made no sense. We rejected it. We said it will be a national uniform standard drinking age of 21. What we are saying here is that we will have a national uniform standard when it comes to drunk driving.

This debate is not about protecting States rights. This debate is about protecting families that live in every State. It is about protecting families who go on vacation from State to State and worry about their safety. It is about people who go to the store and think it is just a casual trip in the car and find, because of a drunk driver, that a fatal accident or a serious accident resulting. That is what this debate is really about. Families that cross State lines shouldn't fear that there is more danger in one State or the other to drunk drivers.

I think we have to react to the reality of the number of Americans who are losing their lives each year because of drunk driving.

The New York Times probably said it best in the title to its editorial: "One Nation, Drunk or Sober." Should it be a different standard in each State because of the issue of States rights? Can you imagine going to the funeral home, can you imagine meeting with the grieving parents, or the students when someone has lost a classmate, and saying, "I am sorry we cannot do more on drunk driving because it is an issue of States rights?" How empty that argument sounds when we are talking about saving lives.

When you look at the groups that are supporting this, listen to what the Wall Street Journal has to say. This is no liberal organization. It is pretty conservative. And they say:

> Safe alcohol levels should be set by health experts, not the lobby for Hooters and Harrah's. The Lautenberg-DeWine-Lowey amendment isn't a drive toward prohibition but an uphill push toward health consensus.

Then go to the experts—not only the health experts—who will tell you that the impairment of drivers at .08 is a serious matter. They estimate that some 40 percent of all of the alcohol-related accidents occur with people who have been drinking and have imbibed at a level that doesn't quite reach .10 but is at .08, and still is very serious.

Then, of course, go beyond the health experts. Talk to the law enforcement people—the people who respond to these accidents, the people who have to see the tragedy when someone makes a terrible decision to drink and drive and, as a consequence, lives are lost and people are injured. They stand shoulder to shoulder begging us to pass this Lautenberg-DeWine amendment, as does the organization, Mothers Against Drunk Driving.

I want to salute them especially. This is the type of political movement in America which is really, I guess, unique to our country; people who have been touched by tragedy come together and say, "Let's make a difference; let's spare other lives that might be lost." Mothers Against Drunk Drivers, Students Against Drunk Driving in Illinois and around the Nation have really led this debate.

I am happy to stand in support of the Lautenberg-DeWine amendment. I think doing this will not only save lives, but it will put to rest once and for all this empty argument that this is really about States rights. This is about much more. It is about the rights of every family in every State to get on the highway and to realize that they can be safe.

I thank the Chair.

Mr. CHAFEE. Mr. President, I, in control of the opponents' time, yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the chairman for the time.

Mr. President, we are here again talking about an issue that seems to come up every time there are highway bills and highway funds to be distributed. We always come up with this question of process, of who has the responsibility to make the kinds of laws that would be there.

I am disappointed that some of the speakers just previous have indicated they don't think the States have the ability to make the decisions, that they don't think the State legislatures feel as passionately about drunken driving as we do. I think they do. I have been there. To say, "Well, this is something the States simply can't do, or aren't capable of doing, or don't care about," it seems to me is not fair or balanced.

I think we ought to talk about the process here. And the process is, how do we best deal with States as a Federal entity, in this case, with highway funding? This isn't the first kind of mandate that has been applied. Every time this comes up we have mandates, whether it be highways, helmets, whether it be speed limits—which, by the way, were put on in a similar kind of process and were changed later because it didn't work very well.

There is no one in this place or no one that I know of in the whole country who doesn't want to do more about preserving safety in driving. There is no one here who cares more about the losses that we have. That is not the issue here. The issue is process, procedure, and what is the proper role in doing it. I think we ought to consider incentives, and we have done that; $25 million of incentives here for the States to do this. But instead we move towards penalties.

We have been through this a number of times, and we are back at it again. I think we ought to give the leadership. And the President wants to give leadership on this issue. Why doesn't he do that as President? We can do that. If this is the proper level, and I do not disagree with it, I would support it in my State, my State legislature. But the process is what we are talking about. Should this body say to the States, "Look, if you want the money that your people pay into the fund, if you want it back, then you have to do what the Congress prescribes"? It is not as if the money came from somewhere else. This money came from the States.

So it is a difficult one and I, frankly, have misgivings about even rising to talk about it, but I do think the system is important. The process is important here, and we ought to really consider it over a period of time, as to how much of this sort of thing we do. We do it each time this arises.

So I think we ought to put on all the pressure that we can. I think we ought to have all the incentives that are possible to move towards safer driving, to move toward doing something about drunk driving losses. But I think we also ought to ask ourselves about where do we stop in this idea of penalizing the States if they do not properly adhere to what this body proclaims they ought to do.

So I appreciate very much the opportunity for us to debate this. I am, of course, a great supporter of this bill, and hope we can move forward with it. I, frankly, hope we can do it without encumbering it with mandates of any kind. I thought we were going to be able to do that this year. The fact is the committee, I think it is fair to say, probably wasn't in support of doing it and therefore it did not come out of the committee that way. But now, of course, we are continuing to work on it. So I hope we can find additional ways, other ways, incentives to move towards .08. I have no objection to that. On the contrary, I support it.

On the other hand, I do think it is necessary for us, over time, to take a strong look at the kinds of processes and procedures that we impose on the States. I am sorry I cannot make as light of States rights as has been made on the floor this morning, as if it does not pertain. It does, in fact, pertain. And we have different kinds of conditions.

Mr. President, I appreciate the time, I thank the chairman for his time, and I look forward to the debate.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I urge opponents, please come to the floor. We have something like 25 minutes left on the opponents' time. Here is the opportunity that they have to speak. So I urge any opponents who wish to speak to come quickly to the floor. Now is the chance to voice their opposition to the amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I know the Senator from Ohio has been looking for some time. I ask the Senator how much time he needs.

Mr. DEWINE. Let me inquire, if I could, how much time the proponents have left?

The PRESIDING OFFICER. The proponents have a little over 10 minutes. The opponents have a little over 15 minutes.

Mr. LAUTENBERG. I ask the chairman of the committee, the Senator from Rhode Island, whether or not, if he does not have any opposition speakers, he might help us out with a few minutes?

Mr. CHAFEE. Yes; I will be glad to. If there is nobody here who wishes to speak against, and we have time left, I am certainly glad to yield.

Mr. LAUTENBERG. I yield to the Senator from Ohio, 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I appreciate some of the very eloquent comments that have been made this morning on the Senate floor. I appreciate the comments about States rights. Let me say, though, that there are very few times when we, as Members of the Senate, can come to the floor and cast our votes when we will know that the vote we cast will save lives. That is true in this case. There is absolutely no doubt about it. Lives will be saved and families will be spared the heartache of losing a child or mother or father.

There are other things I think we clearly know and that are not in dispute. That is one. The second is that no one has come to the floor suggesting that a person who tests .08 has any business being behind the wheel of a car. That is not really in dispute at all. No doctor who has looked at this, no emergency room doctor who has looked at it, no police officer who is involved in testing people, pulling them over and seeing what they test and looking at their reflexes, looking at how they act —everyone who has had that experience agrees—at .08, no one should be behind the wheel. If anyone has a doubt about it, think of it this way: If you were at a party and someone had four beers in an hour and you watched him drink those four beers in an hour, and you observed he didn't have anything to eat, four beers in 1 hour, and he looked over after that time and said, "Let me take your little 5-year-old daughter"—my daughter, a 5-year-old, is named Anna—"Let me take her up to the Tastee-Freez and buy her an ice cream cone; I'll drive her up." How many of us would put her in that car? We would not do that. There is no doubt about it. So it is absolutely a reasonable standard.

Does it include social drinkers? We are not talking about one or two beers and a pizza. We are talking about people who have absolutely no business behind the wheel of a car.

I think Ronald Reagan did say it best. I think he had it right in 1984. He supported a similar type concept, and that concept was that there should be a minimum standard across the country for the drinking age, and it should be 21 no matter where you were in the country. He supported that. The great champion of States rights said in this case a national uniform standard will save lives and makes common sense. This is what Ronald Reagan said in 1984 when he signed the bill:

> This problem is much more than just a State problem. It's a national tragedy. There are some special cases in which overwhelming need can be dealt with by prudent and limited Federal influence. In a case like this I have no misgivings about a judicious use of Federal inducements to save precious lives.

It is a minimum standard. It is a rational standard. Doesn't it make sense that when you get in your car and put your family in the car and go on a trip—many of us cross two or three State lines every week; every day, some of us—doesn't it make sense there should be some assurance that there is a minimum standard that exists, no matter where you drive your car in this country? Doesn't that make sense? I think it does.

So, I think it is a question—yes, it is a question of rights. The rights of families, the right to live, the right to have a fair chance on the highway not to have someone come at you who has been drinking and driving. That is what this is all about.

So I urge my colleagues to vote "yes" on this amendment in the vote that will take place in 20 or 25 minutes. It is a rare opportunity among all the things we debate, all the rhetoric—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. Mr. President, I yield another minute to the Senator from Ohio.

Mr. DEWINE. It is a rare opportunity to save lives. I urge my colleagues to take this rare opportunity and spare a family, spare hundreds of families, life's greatest tragedy, and that is the loss of a loved one.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the amendment offered by Senator LAUTENBERG and Senator DEWINE to implement a nationwide .08 blood alcohol level requirement for DUI offenses.

Let me begin by saying that I agree with those who say alcohol consumption—and how much is enough—should be a matter of personal responsibility. Adults should have the common sense to know when enough is enough and when not to get behind the wheel.

Tragically, however, the statistics show common sense is not that common.

In California, we already have the .08 standard and still the accident rates are staggering. According the California Highway Patrol, there were 91,654 DUI arrests and 37,622 DUI accidents in 1996. Also in that year, there were 1,254 fatalities and 35,654 injuries due to DUI-related accidents. Let me remind you this is with the standard we are pushing for in this bill.

To put these statistics in perspective, in California there were 3,555 total traffic fatalities in 1996. Nearly 40 percent of the traffic fatalities in California in 1996 were alcohol related. I understand this is consistent with the national average which show that 41 percent of all traffic fatalities are alcohol related.

According to a MADD survey, 68.8 Americans support lowering the legal blood alcohol limit to .08. That same survey showed that 53 percent of Americans consider drunk drivers to be the nation's number one highway safety problem.

However, when you cut through the numbers, this is really an issue about saving lives and about personal safety. Every American—no matter where they live—has a right to feel safe on our highways. I believe tough DUI laws, including strict blood alcohol limits, do reduce drunk driving and do make our roads safer.

I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, drunk drivers are a menace to all of us. Last September, a car driven by an alcohol-impaired teenager went off the road near Montpelier, Vermont, killing teenagers Brian Redmond and Ryan Kitchen. This was a rare enough tragedy in Vermont that it sent the entire state into mourning. Nationwide, however, the story is far different. More than 40 percent of all traffic fatalities are alcohol-related—more than 17,000 in 1996 alone.

I am proud that Vermont is one of only 15 states that already has a .08 blood alcohol standard. Vermonters have a longstanding awareness of the dangers of drunk driving, and I advocated adoption of the toughest state drunk driving laws in the nation while serving as State's Attorney in Chittenden County. Today, Vermont has a state law which lowers the threshold for drivers under the age of 21 to .02 percent, one of the toughest laws in the nation.

The amendment which we are considering will establish a .08 standard in all 50 states. If enacted, states will have three years to enact .08 laws, or they will have a portion of their highway construction funds withheld. With all due respect to the cosponsors of this amendment, I have reservations about this approach. I have always been a senator who believes that, whenever possible, Congress should respect each state's right to govern itself. I am uncomfortable when we in Washington say that we will penalize states financially when they do not behave as we see fit. I think we in Congress use that threat too often. Instead of punishments, we should offer incentives for states to adopt tougher drinking and driving laws. It would be better to offer supplemental transportation resources to those states that meet a higher standard. The rest of the states would follow soon enough once they see their neighbors benefitting from doing the right thing.

Nevertheless, I am convinced that Senator LAUTENBERG's amendment will save lives, just as the .08 standard has saved lives in Vermont. Although this amendment will not directly affect Vermont, I will vote for it. I am convinced that we can send a strong signal to all Americans that there should be one standard for drinking and driving. This nation has made some progress in the war on drinking and driving, and with this legislation we can save still more lives.

Mr. CRAIG. Mr. President, I share the concern of my colleagues from New Jersey and Ohio, and all the cosponsors of this amendment.

I am in complete agreement with the view that there should be a no tolerance policy for drinking and driving. That kind of irresponsibility is inexcusable; the senseless human tragedy it produces is unpardonable. Our laws should be severe enough to deter anyone who thinks he or she can abuse alcohol and drive without impairment. Our law enforcement officials should have the tools they need to locate and stop these accidents waiting to happen.

My state of Idaho is one of the states that has already adopted a blood alcohol content standard of .08 percent. They believed this was a reasonable standard, based on sound data, that would help save lives. Other states have come to the same conclusion and made the same choice.

And that brings me to my point.

While I would support a strong resolution from this Senate denouncing drunk driving or even recommending the adoption of this particular blood alcohol content standard, I cannot endorse this amendment. The federal government should leave this decision to the states, where it constitutionally belongs in the first place.

I am confident if the facts truly support it, this standard will be adopted voluntarily by every state. However, I am not willing to say today that this is the one and only way to solve the terrible problem of drunk driving, nor that it is the best way. We've heard a lot on this floor and from the administration about how our states are "laboratories of ideas." Instead of burdening them with new federal mandates, we should be ensuring they have the maximum freedom and flexibility to work out effective solutions for local problems, especially problems of this magnitude.

In short, transportation dollars that are critical to public safety should not be threatened in order to force states into compliance with the "solution of the day"—no matter how well intended.

While I strongly agree with the goal of stopping drunk driving in America, I strongly disagree with the path this amendment would take to achieve that goal. For all of these reasons, I have no alternative but to vote against this amendment.

Mr. LIEBERMAN. Mr. President, I rise in support of the bi-partisan amendment introduced by Mr. LAUTENBERG and Mr. DEWINE to set a national illegal blood alcohol content (BAC) limit of .08 for drivers over age 21. I am proud to be an original co-sponsor of the bill upon which this amendment is based.

Mr. President, the drunk driving problem is a national disgrace. Its severe emotional and financial costs to society are staggering. In 1996, more than 17,000 Americans died in alcohol-related crashes. That means someone in America loses a loved one every 30 seconds to a driver who is drunk. In 1996, more than 321,000 persons were injured in crashes where police report that alcohol was present.

When you count up the health care costs, lost work, and other economic impacts, alcohol-related crashes also add up to a monetary loss to society of more than $44 billion every year. It's not surprising that a recent survey by Allstate identified drunk driving as the #1 highway safety problem in the eyes of a majority of Americans.

We know that the physical and mental abilities of virtually all drivers are impaired at .08. This impairment includes critical driving tasks such as vision, balance, reaction time and hearing, judgement, and the ability to concentrate. The heightened risk of a crash starts with the first drink, but rises rapidly when BAC is as high as .08. For example, the National Highway Traffic Safety Administration has concluded that, in single-vehicle crashes, the relative risk for drivers with a BAC between .05 and .09 is more than 11 times greater than for drivers with no alcohol in their systems.

Although setting a minimum BAC isn't the only answer to our national drunk driving problem, it's a necessary part of the solution. Studies show that .08 actually has saved lives where it is law by deterring unsafe drinking behavior. In fact, figures show that even heavy drinkers, who account for a large number of drunk driving arrests, are less likely to get behind the wheel because of .08 laws. We also should remember that .08 makes it easier for police and courts to do their jobs—they are less likely accept excuses when faced with offenders who have BAC levels at or around .10.

A national strategy to require driver safety measures like this one has worked before. We have seen, for example, how earlier national laws that require seat belts and mandate zero tolerance for drinking and driving under age 21 dramatically have reduced driving fatalities. More than an estimated 16,000 lives have been saved since 1975 by the 21 drink age law. It also is very important to remember that the concept of .08 is not new or radical. 15 States already have adopted .08. Many industrialized nations have even lower legal limits ranging from .02 to .08.

Don't be misled by those who may argue that .08 laws prohibit reasonable alcohol consumption. Such is not the experience of States that have adopted this law. To be legally drunk under a .08 standard, a 170-pound male must consume four and a half drinks in an hour and on an empty stomach. That's not what I consider social drinking and that's just not the kind of behavior that most of us who drive would consider safe.

Mr. President, we need .08 BAC as a national limit. Having one mandatory national standard doesn't permit confusion about what's safe and what's reasonable. Pedestrians, passengers, and safe drivers all need protection from drunk drivers no matter where they live.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The proponents of the Lautenberg amendment have about 4½ minutes. Those opposed have about 15 minutes.

Mr. LAUTENBERG. Thank you, Mr. President. I yield myself such time as we have available, with the hope that when the Senator from Rhode Island returns we will be able to—will the Senator from Rhode Island allow 5 minutes to me at this juncture if there is no one else?

Mr. CHAFEE. Yes. I think the Senator has a little time left. Why doesn't he consume that and go into our time for the remainder?

Mr. LAUTENBERG. OK.

Mr. CHAFEE. I think we will have plenty of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I yield myself as much time as I have available.

First, I ask unanimous consent we add Senator HOLLINGS as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we are getting to the point where we are going to wrap up this debate. I thank my friend and colleague from Ohio, Senator MIKE DEWINE, for his support, his commitment, and his work on this issue. He has fought tenaciously to reduce drunk driving. I hope he and I at the end of this debate will be able to shake hands on behalf of the American people and say we have done something good this morning.

I remind our colleagues, as I listen to the debate, about the issues that I hear being discussed. Frankly, it bewilders me, because I stand next to the picture of a child who was 9 when a drunk driver took her life. I hear discussions of process, that the process is the issue. The process is not the issue. The issue is whether or not we want to say to every American parent, "We have done something more to save, perhaps, your child or your grandchild or your sister or your brother." That is the issue, and that is, I hope, what the American people are going to say when they look at the vote count and say, "My Senator stood up for life."

"My Senator," on the other hand, they can brag, "proudly, stood up for process."

Can you imagine in the homes across America, all the people who are going to be applauding because someone stood up for process? It is outrageous. It cannot be that way.

In the balcony sit people I have come to know, people I have come to know very well: Brenda, Randy and Stephanie Frazier—mother, father and sister of Ashley.

I wish I could ask them to speak about their view of process, whether or not they think that process is the thing that we ought to be talking about. Or should we be talking about the loss that they had, that they do not want anyone else to experience.

Before Senators vote on this amendment, I ask them to think about their children and think about the pain that could come from the loss of a child they know and love. Today we can spare parents across this country, in all 50 States, the grief experienced by the Frazier family.

Mr. President, I hope that the happy hour is over for drunk drivers. Every year in this country more people are killed in alcohol-related crashes than were killed in our worst year of fighting in Vietnam. And the country stood in national mourning at that time. By lowering to .08 the blood alcohol level at which a person is considered legally drunk, we can save more than 500 lives each year.

Mr. President, drunk driving is a crime, a crime like assault, like shooting at someone, like murder; and it should be treated with the same severity as other crimes that bring harm or death to another person. We can prevent many injuries and deaths that result from drunk driving by making .08 the national alcohol limit, just like 21 is the drinking age limit across the country. And if we do that, we could save lots of lives, like other westernized countries—like Canada, like Ireland, like Great Britain, Germany and Switzerland. Poland has a .03 BAC, and Sweden .02.

We can make .08 work in America, if we pass this amendment and declare our opposition to violence on our highways. Because it is at .08 that a person's capacity to function is impaired. Their vision, balance, reaction time, judgment, self-control—this is the level at which they are medically drunk. And if they are deemed medically drunk, we ought to deem them legally drunk, in every State, no matter where they live.

Mr. President, the alcohol lobby is trying to bottle up this bill. We are not targeting social drinkers. We are targeting drunk drivers. And when you get drunk, it is your business. But when you get drunk and drive, it is our business. We are not asking people to stop drinking. We are not running a temperance society here. We are asking them not to drive if they are drunk.

The PRESIDING OFFICER. The Senator has consumed all of the proponents' time.

Mr. LAUTENBERG. About 3 more minutes?

Mr. CHAFEE. Yes, 3 more minutes from the opponents' side.

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

By enacting this law, we can stand with our Nation's families and prevent the loss of life that tears a family apart. We can stand with the public interest against the narrow opposition of special interests.

Mr. President, we should do the right thing and pass this amendment. The Washington Post said it this morning in its editorial: The vote is a vote to create "a single, clear certified and effective standard across the country as to what constitutes drunk driving."

Let us vote to protect our children, our families—not drunk drivers. And I ask everybody to take one final look at this beautiful child's face before they cast a vote.

I will yield the floor, but before doing that, Mr. President, I say thank you to my friend and colleague from Rhode Island for his support for this amendment, and also to the Senator from Montana who has been forthright and supportive of this amendment as well.

Mr. President, have the yeas and nays been asked for?

The PRESIDING OFFICER. The yeas and nays have not been.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I am deeply concerned over the high incidence of highway fatalities in our country that involve alcohol.

In 1996, more than 17,000 lives were lost as a result of alcohol-related collisions out of the 40,000 deaths overall in our country. So that is about nearly half. I believe that this measure will help reduce that.

I understand the views of the opponents who think that it should be left to the States. But when you have a small State such as mine where there are people who are constantly going into the neighboring States, back and forth, it seems to me that in order to make our highways safer, and which obviously involves out-of-Staters, a law such as this is necessary. So I support it, Mr. President.

Mr. President, I am pleased to join with my colleagues from New Jersey, Senator LAUTENBERG, and from Ohio, Senator DEWINE, in support of the amendment to strengthen drunk driving laws throughout the Nation.

I am very concerned about the safety of our nation's highways. I am particularly troubled by the high incidence of highway motor vehicle injuries and fatalities involving alcohol. The statistics are truly alarming. In 1996, more than 17,000 lives were lost on our nation's highways as a result of alcohol-related collisions. This represents nearly half of the 40,000 fatalities that occur on U.S. highways every year. The real tragedy, however, is that drunk driving accidents are completely avoidable.

This amendment would strengthen drunk driving laws across the country and dramatically reduce the number of fatalities attributable to driving while intoxicated. The amendment specifically targets those states that have not enacted a .08 blood alcohol content (BAC) drunk driving law.

In 1997, the National Highway Transportation Safety Administration (NHTSA) issued a report entitled "Setting Limits, Saving lives: The Case for .08 BAC Laws." The report cited studies which indicate that virtually all drivers, regardless of skill, are significantly impaired at the .08 BAC level. At that level, basic driving skills such as braking, steering and speed control, as well as judgment, reaction time, and focused attention are adversely affected.

Contrary to the claims of those who oppose this amendment, the .08 standard does not punish social drinking. To exceed the .08 limit, one would need to consume an excessive amount of alcohol. The NHTSA report includes an example. In order to exceed the .08 BAC level, a 170 pound male would need to consume more than four drinks in an hour, while a 137-pound woman would need to consume three drinks, the report indicates.

Despite these statistics, 35 states still maintain the higher .10 standard before someone is considered legally drunk—and that puts many lives at risk. Drunk drivers not only risk their own lives, but the lives of every other motorist on the road. The .08 level is a sensible approach to preventing senseless tragedies on our nation's roadways. I urge my colleagues to support this amendment. Thank you.

Mr. President, I know the Senator from Oklahoma would like some time. And the opponents have 10 minutes?

The PRESIDING OFFICER. The opponents have 10 minutes remaining.

Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, parliamentary inquiry. Is the situation such that we are going to vote either up or down on the amendment or a motion to table the amendment?

The PRESIDING OFFICER. A motion to table could be made.

Mr. NICKLES. I understand. Is the amendment amendable?

The PRESIDING OFFICER. If the motion to table fails, it will then be subject to amendment.

Mr. NICKLES. Is it subject to amendment prior to a motion to table?

The PRESIDING OFFICER. The unanimous consent agreement prohibits that at the present time.

Mr. NICKLES. I understand.

Mr. President, one of the reasons why I rise in opposition to the amendment is, the penalty is too hard. I care just as much about the child that Senator LAUTENBERG alluded to as anybody else. I care just as much about wanting to eliminate drunk driving as anybody in this Chamber.

The penalty under this bill is too harsh. And 10 percent of the highway funds is—looking at any State—the State of Texas is $1 billion over 6 years. That is a pretty big penalty. The penalty in my State of Oklahoma is $200 million. That is a pretty big penalty.

The reason why I was asking or inquiring about is it amendable is that maybe we should change the penalty from 5 percent and 10 percent to half a percent and 1 percent. You are still talking about real money that would be a real incentive, but 10 percent is too high. In other words, we want to encourage States.

I mention the Commerce Committee amendment has an incentive program. It is not a lot. I think we found out from staff—I did not know when I made my earlier comments—$25 million, not much of a carrot, a little bit of a carrot. So we encourage States to do it. Maybe that should be enhanced a little bit.

But I look at the draconian penalties in this thing. This thing is really a dagger at the highway program to take 10 percent of the funds. In the State of Michigan you are talking about $477 million. That is a lot of money. I mean, so the penalties, in my opinion, are too high.

The reason why I was inquiring about a second-degree amendment is maybe we should change the penalty and make it 1 percent or 2 percent instead of 10 percent. I think it is too much of a gun at the head of the States and saying, "You have to do this or you're going to lose hundreds of millions of dollars."

The State of Texas would lose $1 billion over 6 years. The State of California over $1 billion. For the State of California it would be $1.3 billion over a 6-year period of time. That is a lot of money.

So I understand the desire that some people want to Federalize alcohol-content crimes. That, I believe, should be left in the State's jurisdiction. I kind of wonder, if you have States that are not complying—maybe the States are going to change their law but do not really enforce it. Are we going to have the Federal Government come in and say, "Wait a minute. Now you're going to have to monitor the amount of enforcement"?

We cannot have the State of Rhode Island say, well, they are going to change the law but not really enforce it until you get over the .1. I do not know that that would happen, but I question the wisdom of Federalizing blood alcohol content.

It has not been a Federal crime. It has not been a Federal incidence. Now we are saying the Federal Government is telling the States, you have to do this or you will lose hundreds of millions of dollars—in some States billions of dollars. I think it is overkill. I think it is too punitive. I think we should consider—and maybe we will not do it now; I know the bill has a little ways to go; it still has the conference—but if this provision is going to be in, I think we should reduce the penalties.

I think it is far too harsh. It is too much of a dictate, too much of a mandate, too much trampling on, I believe, of the Federal Government saying, "Before you get your money back, you must do the following: Before you get your highway money back, we're going to put an additional string on it, an additional penalty, up to 10 percent, which is hundreds of millions of dollars." I think it goes too far.

So, Mr. President, one other comment. My colleagues alluded to the fact that in 1984 we did something comparable, and we had a national drinking age of 21. Now, it might surprise some of my colleagues on the other side. I supported that. And the reason is, I live very close to the border in Oklahoma. And Oklahoma had a 21; Kansas had an 18. And we had people running back and forth across the State line to take advantage of that situation. Not a very safe situation. So I supported it.

I saw some differences in that provision, although the penalty was still very high. It was too high then, in my opinion. This, I think, is a little bit different. Now we are Federalizing blood alcohol content, and I seriously doubt the wisdom of doing that. And we are putting far too heavy of a burden on the States for noncompliance.

Again, for those of us that read the Constitution and say all of the rights and powers are reserved to States and the people, I think some of our colleagues and proponents, who have very good intentions, in the bill are saying, there is a problem and, therefore, we have to have a Federal solution. We are going to use the heavy hand of the Federal Government and withhold funds that come from the States, come from the people, and say, you cannot have that money back unless you do as we determine what is proper. I think that is a mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, we have additional time for opponents. How much time is there for the opponents?

The PRESIDING OFFICER. Four and a half minutes.

Mr. CHAFEE. Four and a half minutes. So now is the time. Again, I urge any opponents to please come to the floor and use that time.

Mr. DORGAN. I wonder if the Senator from Rhode Island would yield for a question?

Mr. CHAFEE. Yes.

Mr. DORGAN. I am a supporter of the amendment, but I am wondering if I might use one minute if no one else is seeking recognition.

Mr. CHAFEE. Yes. Let us leave it this way: The Senator from South Dakota can proceed. If somebody comes in on this side and wants to speak in opposition, then I would appreciate it if the Senator would then yield.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Senator from Rhode Island.

The Senator from Oklahoma was discussing the 21-year-old drinking age. That was established in legislation by Congress some long while ago. In fact, I believe the provisions in that bill, with respect to penalties for those States that would not comply, are identical to the provisions of the penalties in this bill.

We have decided, as a country, there are certain things that are national in scope. Our road program is a national program, a program of priorities. And I think this amendment simply says, let us determine what represents drunk driving so that you are not driving in one State versus another, and come up to an intersection, when you cross the State line, and find someone driving down the road that is drunk but in fact is not legally drunk because that State has a different set of rules.

In fact, you can now—and I hope to change this—you can now drive and drink in five States. In five States you can put a whiskey bottle in one hand and a driver's wheel in the other and drive down the road and you are legal. In over 20 States someone else in the car can have a party while the driver drives as long as the driver does not drink.

I also will propose, following this amendment at some point, that in every State in this country we have a prohibition on open containers of alcohol in vehicles. So the point I wanted to make with respect to the comments by the previous speaker was, we have tried incentive programs.

For example, a number of years ago we had an incentive program. Incentive grants were established, since the early 1990s, with respect to trying to persuade the States to pass legislation prohibiting open containers in vehicles. We have said, we want incentives to be available to prevent open containers in vehicles and pass legislation to prevent open containers in vehicles. Despite that, in 1998, 22 States still prohibit open containers in vehicles. Incentives do not work. I do not think we ought to talk about incentives on this issue. And alcohol and vehicles do not mix.

No one in America should be able to drive and drink at the same time. Yet in five States you can. Nowhere in America should a car be driven down the road to meet anyone here, their families or anyone in America, and then at the next intersection have, if not the driver drinking, the rest of the people in the car with open containers of alcohol. If we don't decide to have the will to at least require that in this country, then we will not stop the carnage on American roads.

I appreciate the Senator offering the amendment. I intend to support it and I hope my colleagues will support it, as well.

Mr. CHAFEE. How much time remains?

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. CHAFEE. One minute for the opponents. I see no one prepared to take that time. If somebody from the proponents wishes to use it, with the understanding that as soon as an opponent appears they will yield——

Mr. LAUTENBERG. By the time we finish with the 1 minute—we could yield back all 37 seconds that remain.

Mr. CHAFEE. Do you want to speak now?

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

The arguments have been made abundantly clear. We are talking about something that will save lives. We are talking, on the other hand, about whether or not the process is appropriate or whether or not the penalties are too high.

I submit to Members that there is no penalty too high to permit a child like this to live a full life. No penalty too severe. I think when Senators vote here, that is what they ought to be thinking about—thinking about the people back home and how they will react to a vote they are making here.

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCAIN (when his name was called). Present.

Mr. BAUCUS. Mr. President, on this vote I have a pair with the Senator from Hawaii, Mr. INOUYE. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. ROBERTS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

On this vote, the Senator from Montana (Mr. BAUCUS) is paired with the Senator from Hawaii (Mr. INOUYE).

If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Montana would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—62

Abraham	Durbin	McConnell
Akaka	Faircloth	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Frist	Moynihan
Bond	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Harkin	Reed
Bumpers	Hatch	Robb
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Cleland	Hutchison	Sarbanes
Coats	Johnson	Shelby
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
D'Amato	Kohl	Stevens
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lugar	

NAYS—32

Allard	Bennett	Bryan
Ashcroft	Brownback	Burns

Campbell	Gregg	Nickles
Cochran	Hagel	Reid
Craig	Hutchinson	Santorum
Enzi	Inhofe	Sessions
Feingold	Kempthorne	Smith (NH)
Ford	Kyl	Thomas
Graham	Landrieu	Thompson
Grams	Lott	Thurmond
Grassley	Mack	

ANSWERED "PRESENT"—1

McCain

PRESENT AND GIVING A LIVE PAIR—1

Baucus, against

NOT VOTING—4

Glenn	Jeffords
Inouye	Roberts

The amendment (No. 1682) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I just want to point out to the Members what the next order of business will be. We now will take up the funding amendment that provided a good deal of additional money for a whole series of States, every State, and we would like, obviously, to get a time agreement on that, but we are having some trouble doing it. We are going to get started nonetheless.

AMENDMENT NO. 1684 TO AMENDMENT NO. 1676

(Purpose: To provide for the distribution of additional funds for the Federal-aid highway program.)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, and Mr. LIEBERMAN, proposes an amendment numbered 1684 to Amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, yesterday, the Committee on Environment and Public Works held an important meeting on the pending business before the Senate; namely, the underlying legislation, S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997. During yesterday's business meeting, the committee agreed unanimously, the 18 members of the committee voted 18–0, to adopt an amendment to S. 1173, which will provide an additional $25.9 billion for the Nation's highway programs over the next 5 years. The additional funds will bring the total authorization for highways in the bill to $171 billion.

As I mentioned last Thursday in my opening statement on ISTEA II, which is how we will refer to the underlying legislation, the majority leader, Senator LOTT, and Senators DOMENICI, D'AMATO, BYRD, GRAMM, WARNER, BAUCUS, and I have been working to try to resolve the difficult issue of how much additional funding should be directed to transportation. We have participated in a challenging but ultimately productive set of meetings. Although I am not an advocate of spending the 4.3 cents gasoline tax on highways, I believe that the agreement we reached is a fair one that will allow the Senate to complete its work on ISTEA in a timely fashion.

The principal question on everyone's mind is how this additional funding will be allocated among the 50 States and various ISTEA programs. I am pleased that the amendment before us distributes the new money in a manner that is responsible to all States and to all regions of the country. Moreover, the committee amendment does not affect the allocations or program structure in the underlying ISTEA II bill. The lion's share of the additional funds, $18.9 billion, goes to all 50 States in the same proportion as the formulas under S. 1173.

Before we proceed, I want to outline the package adopted by the committee yesterday. To make the bill fairer, the committee amendment provides additional funds for those States that did not fare as well as the majority of the States in S. 1173.

First of all, this amendment does address the inequities of the so-called donor States, those States that contribute more money to the highway trust fund than they receive from the Federal aid highway program. The underlying bill, S. 1173, as reported, guaranteed that each State would receive at least 90 cents in return for every dollar allocated to the States from the trust fund. The amendment before us includes an additional $1.9 billion over the life of the bill to ensure that each State receives at least 91 cents in return.

Now, the States that will benefit from this donor State bonus are the following: Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. These States have complete flexibility to use the additional funds for any purpose authorized under title 23, which is the Federal aid highway title of the U.S. Code. That is the first thing we did.

Second, there are a number of densely populated States, such as California, Illinois, and New Jersey, where high volumes of traffic clog the roads and high repair costs impede routine maintenance. The committee amendment provides an additional $1.8 billion over the next 5 years for these high-density States. The additional funds may be spent for any purpose authorized under title 23 to relieve the terrible congestion problems and address tremendous infrastructure needs.

Those States which are neither donor States nor high-density States also may spend a percentage, 22 percent, of the additional funds they receive pursuant to this amendment for any purpose authorized under title 23.

The committee amendment also provides additional funds for those ISTEA programs directed to regions of the country with unique needs. For instance, the Appalachian Development Highway System was first authorized in law in 1965, but is not yet completed. The committee amendment provides an additional $1.89 billion for the Appalachian Highway Program for fiscal years 1999 through 2003 to help complete the 3,025 mile system.

Second, as a result of the implementation of the North American Free Trade Agreement (NAFTA) and other key trade agreements, states along the Mexican and Canadian borders have experienced a substantial increase in truck traffic. The increased traffic and congestion along these routes has put a heavy burden on the corridors that connect border locations and other ports of entry. The committee amendment provides $450 million over the next five years in contract authority for the nation's border infrastructure and trade corridors.

Third, the roads that run through the nation's parks, Indian reservations, and other public lands are in great need of maintenance and repair. The committee amendment provides an additional $850 million over 5 years for the Federal Lands Highway Program.

This is in addition to the money that was included in the bill originally as we submitted it.

Of the $850 million total, the committee amendment provides $50 million per year for fiscal years 1999 through 2003 to help address the mounting needs of the nation's 49,000 miles of Indian reservation roads. An additional $50 million per year for the next 5 years, is provided for the Public Lands Highway Program, which funds Forest Service roads and other public roads that run through federal lands.

The remaining $350 million in the Federal Lands portion of the committee amendment is directed to the Park Roads and Park Ways Program. An integral part of our National Parks System is the 8,000 miles of park roads and parkways that make the splendor of these national treasures accessible to all Americans. Fifty million dollars of the $70 million annually for the Park

Roads and Parkways Program is directed to these roads that run through our national park system.

The remaining $20 million per year is set-aside to address the backlog of needs for the roads in our National Wildlife Refuge System. I am delighted that the committee has agreed to include this additional funding for the 4,250 miles of refuge roads within the system. Indeed, the National Wildlife Refuge System, which is administered by the Fish and Wildlife Service, plays a pivotal role in the conservation of fish and wildlife resources throughout the country. The additional funds provided in the committee amendment will allow the Service to better focus its appropriations on the core mission of protecting fish and wildlife and their habitats.

Mr. President, before closing, I want to thank all of the members of the committee for their diligence and cooperation in adopting the amendment before us.

I see Senator WARNER here, who has been a very valuable ally and originator, actually, of much that is in this legislation.

I thank them all for their diligence and cooperation in adopting the amendment before us. I thank the majority leader, Senator LOTT, who presided over the negotiations in which we arrived at this compromise; Senator BYRD, Senator WARNER, whom I previously mentioned, Senator BAUCUS, the ranking member of the full committee, who has been so helpful, Senator GRAMM, and particularly Senator DOMENICI. All I thank for their determination and resolve during our discussions.

I urge my colleagues in the Senate to support the amendment before us so we can proceed to the business at hand and enact an ISTEA II bill which will bring the Nation's transportation system into the next century.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I want to defer to the distinguishing ranking member. Then I shall follow dutifully the seniority of our committee.

First, I thank the chairman, and I will include those remarks.

But we have on the floor here the distinguished senior Senator from South Carolina, the President pro tempore, who has counseled with me, and other members of the committee, on a regular basis concerning this. The distinguished Senator represents South Carolina, which is in the category of a donor State, as is the State of Virginia. I wish to assure the senior Senator from South Carolina—and perhaps the chairman can join me—that his State will receive an allocation of 91 percent under the formulation that I and others have worked out. We, in the course of the recalculation, specifically asked the chairman and the distinguished ranking member, as, over the weekend, we reworked the formula. It was my desire to raise the level from 90 to 91 percent with respect to as many donor States as we could achieve. But according to my calculations, I represent to the distinguished Senator from South Carolina that his State has achieved a 91 percent mark.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, may I say, as chairman of the Transportation Subcommittee, that the answer is yes. In fact, currently there are a good number of States—so-called "donor" States—which contribute more to the highway trust fund than they receive in terms of highway allocations. They receive actually less than 90 percent. There are some States down around the 80s. One, I think, is 76 percent. I am not sure about South Carolina. But the bill that passed the committee made sure that there is a floor of 90 percent—that donor States get at least 90 percent. Through the able efforts of the Senator from Virginia, and others—Virginia is often a donor State—that was then raised to 91 percent.

This was one of the areas of concern that we on the committee had when we considered additional money under the Byrd-Gramm-Warner-Baucus amendment; that is, there are some States that felt they needed additional money because of high density, and others because they are donor States. There are some Western States that felt because they are public land States they should get some, too. And then the Appalachian Regional Commission felt that there was not enough money in the underlying bill. So the amendment would give a little more to Appalachia.

But the long and short of it is that South Carolina, and all donor States, will, under the amendment now pending, combined with the underlying bill, receive at least 91 percent. Technically, it is 91 percent of the percentage of their contribution of the funds that are allocated, but for all intents and purposes, it is raised from 90 percent to 91 percent.

Mr. President, while I have the floor, I would like to follow on the points made by the very distinguished and able chairman of the committee, Senator CHAFEE, very generally. Several of us—Senator CHAFEE, myself, Senator BYRD, Senator GRAMM, Senator WARNER, Senator DOMENICI, and, most particularly, the majority leader, Senator TRENT LOTT, met many, many times over the last several weeks to find a fair way to distribute dollars that would be raised in the act transferring 4.3 cents of the gasoline tax to the trust fund, and then back to the States.

Essentially, we came up with a program dealing first with States that had legitimate concerns as a consequence of the committee bill and then distributing the rest back to the States according to the percentage share that they were receiving under the bill so as not to give any favoritism to anyone in place.

That is what we did. It is an agreement that was agreed to by all the main parties. We, at the same time, talked with many other Senators who were not part of this conversation in order to have a result that reflected fairness to regions in all parts of the country.

It is also an agreement agreed to by Senator DOMENICI, the very, very able chairman of the Senate Budget Committee. He said he would find a way with these increases to come up with a balanced budget resolution that does not exceed the caps in the budget resolution so that those who are concerned that this additional money might "bust the budget" may rest much more assured that is not the case. If anybody can find a way to not balance the budget and not bust the caps and get the rest of the additional money because of this amendment, certainly Senator DOMENICI can do that.

I might add, Mr. President, that these issues are never easy. Every State feels that it should have a few more highway dollars, and every State feels that its share is not quite as fair as the share of other States. There is no magic in this. It is just a matter of looking at all the claims, all the equities, and all the differences in different parts of the country. Some States are donor States and some States are donee States. Others have completed their interstate highways later, rather than earlier. Some States have real bridge problems that need to be addressed. Some States, like in ours, in the West, next to public lands, count on a lot of tourists who visit our States. For example, in the State of Montana, there is tourism with tourists going to visit Yellowstone or Glacier Parks. Some tourists pay a little bit of Montana tax to the degree that they travel in our State. But we in Montana have to pay a lot to maintain those highways. So it is adding all of those equities together as best we possibly can.

On the numbers again, just so everyone is clear, the underlying bill spends about $145 billion in contract authority over 6 years on the highway program. The amendment that we are now addressing, that is before the body, adds $6 billion for a total $171 billion in contract authority that would be spent allocated among the States.

I do not want to get too technical about this, but contract authority is not exactly the same as obligation limitations or outlays, which is to say that the Budget Committee will determine what those obligation limitations are. The Appropriations Committee will then decide how much of the total it can spend. The Appropriations Committee will not be bound to spend the full $171 billion unless it wants to. The Appropriations Committee can spend a little less, if it decides in its determination that it is more appropriate because it will have to find some offsets to spend this additional money. Obviously, there will be some compelling needs with the Budget Committee with other ideas and other programs, but still with the contract authority set at $171 billion over 6 years, there is a tremendous incentive for the Budget Committee and the Appropriations Committee to spend—allocate outlays—the actual dollars going to the States to build highways at a level very close to $171 billion—not entirely, but very, very close.

This underlying bill, Mr. President, I remind Senators, is much, much more flexible than the current highway program. The current highway program has 11 separate categories that are pretty rigid; somewhat inflexible. They give State highway departments gray hairs sometimes, because one State's needs—say that were Arkansas—is a little bit different from another State's needs—let's say Montana or Rhode Island or Virginia or South Carolina.

So we collapsed those 11 categories into 6. And the six are now much more flexible, very flexible. For example, one of the main categories is called "surface transportation account." You can take money out of that for Amtrak, if you want. You can take money out of that for mass transit, if you want. You can spend more on enhancements, if you wish. There is a lot of flexibility here, flexibility that the States have, much more flexibility given to States than is the case under the current highway bill. The departments of transportation commissioners wanted this. It makes sense to the committee that much more delegation of flexibility be given to the States.

For those who are concerned about the Congestion Mitigation Air Quality Program, CMAQ, actually there are more dollars in this bill than the current CMAQ program. CMAQ is important because we want to make sure that building more highways is consistent with improving air quality. We passed the Clean Air Act in 1991, telling States and cities that are not in attainment to undertake certain actions to bring their air quality standards into compliance. Obviously, if you build a lot more lanes, have a lot more traffic in the city, more cars, more auto emissions, sometimes it is inconsistent with the goals of air quality improvement. So, basically, the CMAQ money is there to help deal with that problem.

And, I might say, in the first category, called "interstate maintenance," called "national highway system money," there is a restriction: You cannot build additional lanes for single occupancy. You can for HOV lanes, again to address congestion and air quality problems, but you cannot build lanes just for single-occupancy cars. Again, we are trying to merge two competing programs together.

I might say, this is particularly important, this amendment, to my State of Montana. We are a big State. We don't have a lot of people. In fact, we have more miles per capita of highways than any other State in the Nation. Our State gasoline tax is the third highest in the Nation. We are paying for our highways as best as we possibly can. We are not a big industrial State. In fact, we are a relatively poor State. I am embarrassed to say this, but Montana, today, ranks 46th in the Nation for per capita income. We were 35th, 36th, not too many years ago. We are now down to 46th.

It is tough. We don't have the money in Montana to pay for our roads, and this is going to go a long way. Mr. President, 90 percent of the households in Montana make multiple trips of over 100 miles each year, and that is compared with a national average of 80 percent. As I say, tourists come to Montana—actually it's 8 million visitors who come to visit our State. It is beautiful. Glacier National Park in the summertime—a lot of people come to fish and camp out and bring their families from all over the country. In the winter, of course, there is skiing, whether it's downhill, cross-country, or snowmobiling, which is very popular in our State.

I will just sum up by saying, as much as it sounds like we spend a lot of money on highways, in the larger context this really is not enough. Today, the United States spends, State, local and Federal combined, about $34 billion a year on our highways. The Department of Transportation did a needs study, what is needed to be spent just to maintain the current condition of our highways, recognizing winter and summer things get beat up and so on and so forth. They concluded that about $54 billion a year should be spent just to maintain the current level of maintenance of America's highway system. So if we want to do better, we should spend, according to the Department of Transportation, maybe $70 billion a year, so as to improve our highway system, to keep up with the highway system in Germany, for example, and some other countries that spend a lot of money on their highways.

Of course, their gasoline taxes are much higher than they are in the United States, but those dollars go to improve their highways. That is a decision that those countries have made. We are spending $171 billion over 6 years. That is a far cry from $60, $70 billion over 1 year. It is just an example of what other countries are doing compared with what our needs are, to explain that the current bill, as important as it is, is probably not enough if we wanted to improve upon our current system.

I am going to yield the floor to whoever wants to speak here. Again, I thank all those who worked very hard on this and hope we can conclude this bill very quickly, because we have to go to conference on the House-passed bill whenever they pass their bill. By May 1, the bill has to be signed by the President. By May 1, that's when the current program expires. We were a bit derelict last year in the Senate when we did not pass the highway bill even though the program expired June 30 of last year. We got tied up on campaign finance reform, and we agreed to move the transportation bill up to one of the first orders of business in 1998. That slipped a little, but fortunately here we are.

It is very important that we move expeditiously to meet our Nation's needs and satisfy Americans who want to be assured that we have the highway program in place, a solid 6-year program, so contractors can plan and State departments of transportation can plan ahead and we do not have to worry about this on-again/off again problem that we are currently facing with our program. So I hope we do move very expeditiously to pass not only this amendment but the full bill so we can get on to work with the House in the conference and pass the bill.

I yield the floor.

Mr. WARNER. Mr. President, I wonder if the Senator will engage in a colloquy? As subcommittee chairman—fortunately, I have had as my ranking member the distinguished Senator from Montana from the very first day of the consideration of this bill in the Environment Committee, and of course we initiated the work in the subcommittee. The Senator from Montana and I decided that we were not going to seek retribution for some of the inequities in the 1991 ISTEA, but we were going to try to establish a formula and other provisions in the bill which brought about the greatest equity achievable, in a bipartisan way, in this piece of legislation. I feel that we have remained true to that fundamental principle that the Senator from Montana and I laid down on day 1.

Do you share that view?

Mr. BAUCUS. I answer the point of the very distinguished Senator from Virginia that I very much do. I might remind the Senator of several facts which substantiate his point.

No. 1, the current highway program is based on very dated data. It is based on the 1980 census. We even have in here the 1916 postal road formula—that is in the current law. Of course, the bill we are passing today brings it up to date.

Mr. WARNER. Mr. President, I have even used the example, the pony express was still in here someplace.

Mr. BAUCUS. Once we get this legislation passed, we are out of the pony express era because we will have current data, data reflecting how many miles people travel in their State, lane miles, vehicle miles, et cetera. That is a formula based on the actual usage and needs in the State, which is critical.

In addition to that, I might add to my distinguished friend that there were earlier separate competing bills. There was a STEP 21 bill sponsored by the Senator from Virginia; there was a STARS 2000 bill, which had a little Western influence; there was ISTEA-Plus, I think the name of it was, or the ISTEA bill which was sponsored by the northeastern Members of the Senate.

With the leadership of Senator WARNER we were able to bring the three bills together. We didn't favor one region over another. On a very bipartisan basis, you on your side and I on my side, along with Senator CHAFEE, had to come up with a bill which is fair to America, fairest to the country.

We passed our bill out of committee. Even though we did the very best we could, there were still some Senators who had some concerns. Some of them were off the committee. We dealt with those concerns with this amendment on a very bipartisan basis.

Mr. WARNER. I thank my colleague, because I felt as a trustee of these funds—and when you and I, for example, joined on the first amendment to try to add additional funding, we were going to win that when, obviously, leadership was able to persuade one or two colleagues and we came within one vote, to my recollection.

Then along came the distinguished senior Senator from Texas and our distinguished former majority leader, the distinguished Senator from West Virginia, and you and I joined in that effort, even though we were at odds with our distinguished chairman and other members of the committee. We felt it was imperative to add these funds. With the add-on, I want to make clear, we left the basic formula intact, 90 percent intact, and simply superimposed this amendment on top.

Again, under the guidance of the distinguished chairman of the committee and yourself—and I had a voice in it, of course—we again tried to achieve equity. I specifically asked the chairman to make certain that in the recalculation, over the weekend, we get as many States as possible above the 90 to 91 percent. I think we have done that. There may be some 90.8, some fraction. But in order to achieve the fundamental equity, we did our very best in superimposing this add-on, on the undisturbed basic bill, as the allocations were made up in that bill.

Mr. BAUCUS. That is exactly right. In fact, in a nutshell, we believe it is only fair to the American people that a portion of the gasoline tax that goes to the trust fund be allocated to the States. We took that amount, 3.45 cents, and essentially allocated it according to the provisions of the underlying bill without changing the formulas, making a couple of minor changes to accommodate some legitimate concerns of Senators. That is basically what we have done. Frankly, I cannot think of a fairer way to do it.

I am also reminded there is sort of a feeling in the room, and also the feeling in the committee when we acted on this in the room where we put this together—you can tell when it's fair or not fair. Everybody was happy and felt good. It felt good. Also, in the committee, when the committee reported out this amendment, you could tell, too, it passed unanimously with Senators all around, as the Senator well knows.

Mr. WARNER. That's owing to the leadership of Senator CHAFEE, in the first bill, and you—Senator CHAFEE and you as ranking. When we brought, shall we say, the subcommittee bill, before the full committee, I was astonished we got a unanimous vote.

Mr. BAUCUS. I was, too.

Mr. WARNER. Now with Senator CHAFEE's leadership, we got another unanimous vote in our committee. But I have felt the will of the entire Senate was represented in various groups on our committee. We listened carefully, took things into consideration, and did the best we could. I am urging Senators to support this amendment. But I caution those who want to come and perhaps give their own proposal, be careful, because once you take one part of this formula and move it, you will be surprised how all the States begin to go up and down in other areas of the calculations.

So, I think the Senate will have to repose a lot of trust in our committee. But that trust is predicated on the principle of fairness that we started with when the first word of this bill was placed down by the subcommittee, and it has transcended—that concept of fairness is throughout our work.

I thank my distinguished colleague.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in support of the amendment. I thank my colleagues, each of those who are on the floor, and my dear colleague from West Virginia, Senator BYRD, who is not here, for their leadership in bringing us to the point at which we find ourselves today.

What I would like to do is to explain the problem we sought to deal with, say a little bit about how we came to be at this point, and then try to explain why every Member of the Senate should rejoice that we have reached a point where we are going to take a very dramatic step in terms of improving the quality of America's highways and, in doing so, improve their safety, their efficiency, and not only save the lives of thousands of our fellow citizens, but improve the lives of tens of millions of Americans who use our highways.

I entered this debate over one simple issue, and I have always viewed it as an issue that has to do with honesty in Government and equity. The issue that I entered the debate on, along with Senator BYRD and joined by Senator BAUCUS and Senator WARNER, was an issue that boils down to basic trust. And that is, people go to the filling station and, in a lot of States in the Union, that little clip that you used to put on the nozzle where you could pump the gas and go on about your business and do something else, many States have taken that clip off. So you often find yourself standing there holding this nozzle, and every once in a while, in desperation, somebody reads the gasoline pump.

When you read the gasoline pump, it sort of gives the good news and the bad news story. The bad news is a third of the cost of buying a gallon of gasoline in America is taxes. The good news is, at least, as it says it on the pump, that the gasoline tax is a user fee and that user fee is used to build roads. So while you should be unhappy that a third of the cost of a gallon of gasoline is going to pay taxes, you should be happy with the fact that at least those taxes are going to build the very roads that you are going to ride on in burning up that gasoline that you are buying.

I entered this debate because the bad news is true, a third of the cost of a gallon of gasoline is, in fact, taxes, but today it is not true that all those taxes go to build roads. In fact, beginning in the 1990s, the Federal Government started diverting highway trust funds to other use. So we collected gasoline taxes, those moneys were put into the trust fund, but by not spending those moneys on highways, we were able to spend those moneys on other things.

Then, in 1993, the Congress adopted the first permanent gasoline tax in American history since we had the highway trust fund where the money went to general revenues, and so the money was spent and none of it was spent on highways.

That produced a situation by this year where roughly 25 to 30 cents out of every dollar paid by every American in gasoline taxes goes not to build roads but to fund other expenditures of the Federal Government.

Senator BYRD and I started this debate because we believed that that was dishonest. We believed that the Government was deceiving the American people, and we thought it was wrong. We thought it was wrong to take a dedicated tax and spend it on general Government rather than spending it for the purpose to which Americans had been led to believe that they were paying the tax.

Our first victory in this roughly 2-year effort was on the tax bill last year where we were able to take that 4.3-cent-a-gallon tax on gasoline away from general revenue and put it back into the highway trust fund where it belonged. It was a big issue, because 4.3 cents per gallon collects roughly $7 billion a year in revenues.

We were successful in that effort. Then, last year, we started the effort to guarantee that the money was actually spent on highways. That effort, by Senator BYRD and myself, produced a coalition with Senator BAUCUS and Senator WARNER, the chairman and ranking member of the subcommittee with jurisdiction over the highway bill. That started a negotiation which reached a successful conclusion the day before yesterday in a new highway bill, for all practical purposes, very different than the bill that the President proposed, very different from the bill that came out of the committee, and I think different in being better.

The bill before us guarantees that over the next 6 years, we will move from a situation where almost 30 cents out of every dollar of gasoline taxes today is diverted to some use other than building highways and for transportation purposes to spend on general programs. We will move from that situation today to a situation 6 years from now when this bill is fully in effect so that every penny of the 4.3-cents-per-gallon tax on gasoline, which is now diverted to other uses, will be used for the purpose of improving the transportation system of America and building roads.

That will mean that this bill will, over the next 6 years, spend $173 billion on highways. The difference in the number that Senator BAUCUS used and this number is that about $2 billion of the expenditure is under another title in the Commerce Committee, and I do not want people to be confused to think we have taken away $2 billion from the agreement that we announced the other day. The total is $173 billion.

What does that mean relative to the highway bill that has just ended? What it means nationwide is that by the economic growth we have experienced, by the growth in the collection of gasoline taxes and by dedicating every penny of gasoline taxes to build roads, nationwide we are going to increase the amount of money for highway construction over the next 6 years, as compared to the last 6 years, by 45 percent. That is a dramatic change. As a result of this bill, Americans who would have died on roads in West Virginia and Texas and all over America will not die. As a result of this bill, people who would have waited in congestion, taking time away from their work or their family, will find that that congestion has been abated.

So we are not just talking about spending another $26 billion of money on highways, the purpose for which the money was collected. But we are talking about improving the lives of Americans by the tens of millions and saving the lives of thousands of our fellow citizens.

Secondly, by getting out of this absurd situation we were in under the previous bill where we were using the 1980 census for no other purpose than to discriminate in favor of States that were losing population and against those that were gaining population, by going to the current census, a State like my State, which has been growing very rapidly, will not only benefit from the fact that we are not allowing 30 cents out of every dollar of money collected in gasoline taxes to be siphoned off to pay for something else, but by using the current census and through other factors, the State of Texas will have an increase in highway funding over the previous bill of 60 percent. Obviously, that is a big deal for my State. It is a big deal for every State in the Union.

Some people will say, "Well, but if you're spending the money on highways, you're not spending the money on other things." When we debated this bill for the first time at the end of the last session, our opposition came from people who basically said, "Well, spending money on highways is great, but if you spend this money on highways, we can't spend it on other things."

Let me respond to that in two ways. First of all, we do have a great need in highways, but the real argument is not one of relative need. The real argument is we collected the money for the purpose of building highways. This is a dedicated tax. So those who find today a sad occasion because for the first time since the mid-eighties we are actually going to spend gasoline taxes on highways and they are unhappy because we are not going to spend the money on other things, let me say, as I have said in the past, that they remind me of rustlers who have been stealing our cattle. We finally catch them, we call the sheriff out, we don't hang them, we don't even make them give our old cattle back they stole. All we say to them is, "You have to quit stealing our cattle." We will hear from a few of them today, and their basic response will be, "Well, that's great, but where do I get my beef? If I can't rob the highway trust fund, where do I get this money to do all this good I want to do?"

I have two responses. One, that is not my problem. Two, we should have never been spending highway trust fund money for other purposes. We should have never let the Federal Government collect money in gasoline taxes and turn around and spend it for something other than the purpose for which those taxes were collected.

So I believe this is a happy day. Is everybody satisfied? I have great appreciation of the situation of Senator CHAFEE and Senator BAUCUS and Senator WARNER. You can't satisfy everybody. We have a highway system that is a national system and, obviously, I have been unhappy about the fact that my State was getting 77 cents for every dollar we sent to Washington. I have complained vigorously, and partly as a result of that complaint, we have changed the bill. We have gotten rid of the 1980 census, and we are going to have a dramatic increase in funding going to States like mine.

You can always say, "We want more," but I think it is important, and Senator CHAFEE has made the point and I agree with it, we have a National Highway System. When we were building roads across Texas in the 1950s and 1960s, the Interstate Highway System, we were more of a beneficiary State. But what good is it to have an Interstate Highway System that when it gets to Western States, you don't have the highway? If it is an east-west or north-south system and you have a State that has a low population and a low formula and, as a result, can't build its system, do you have a national system?

There are always going to be years, because of the ongoing building of the interstate system, where some States are going to get more than a dollar back, some are going to get less. But thanks to Senator WARNER—and I congratulate him and thank him personally—under this bill, for all practical purposes, no State will ever again get less than 91 cents out of every dollar in formula money back that they send to Washington in terms of highway taxes.

What that means is, no matter what we are doing in terms of a national system, at least that minimum will be available to every State. I think that is a dramatic improvement, and I think it is something of which people can be proud.

I think this is a major step forward. I thank everyone who has worked on the bill. I have enjoyed having the opportunity to work with the sponsors, with Senator CHAFEE. I thank Senator LOTT for his ability to bring everybody together. I think it has been a classic case of democracy at work. Someone once said that there are two things you don't want to watch people do. One is making sausage and the other is making laws.

But I have to say that I think any civics class at any high school in America that sat through the whole process on writing this highway bill, that sat in every meeting and every negotiation, and that watched the give-and-take, that listened to the intellectual content of the debate, both public and private debate, that watched the consensus form, would go away convinced that, while our system is not perfect, it is clearly the best system that has ever been devised by the mind of man.

So I am proud of this bill. I am happy for my State. I am happy for the country. I believe that this is a dramatic improvement. And while I do not agree with or support every single provision of the bill, you reach a point where you have to say, this is the best we are going to do given that we have 100 Members of the Senate. There will be those who will be offering amendments to try to tear this consensus apart. I do not intend to support any of those amendments. I think we have put together a good bill. And I think it is time to get on with improving our highway system, with saving lives, with improving the quality of life for hundreds of millions of people all over the country.

So I am for this amendment. I am for this bill. And I congratulate those who have been the leaders of that effort.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished senior Senator from Texas for his remarks, personal and otherwise, directed at those who put together this amendment.

But now I say to all colleagues, we are entering into that phase which I have called in previous iterations of the highway bill, the "battle of the charts." And the charts are coming over the transom, under the transom, and from all directions. And it comes down to whether or not someone can put up a matrix which benefits their State a little bit more. But I assure you, it is at the detriment of someone else. And you have to at some point, when the votes come, decide: Did the committee or did not the committee try and do an equitable distribution of the funds?

The basic bill reported out by the subcommittee, then by the full committee, is unchanged. But in working out the most equitable distribution we could under the add-on, as a consequence of the Byrd-Gramm-Baucus-Warner amendment, you could figure it several different ways. And therein I presume the debate will focus in just such time as we proceed to vote on this amendment. And there are means by which you could calculate it in a different way.

I think Senators are perfectly entitled to fight. And they should. But it all comes back to, will their formula be viewed as an equitable distribution of the funds?

And I say that when the final vote is taken it is my hope and it is my expectation that the Senate will express its confidence in the ability of the committee—under the guidance of the distinguished majority leader, and, indeed, with the valued input of Senator BYRD, Senator GRAMM of Texas—that we did the best we could to make equitable distribution of the apple.

So let us now engage in the "battle of the charts." I hope Senators will come to the floor and express their views with respect to their individual States and their own view as to whether or not equity was achieved.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank our friends on the committee for their effort here. And we are trying to get information to help us decide exactly how we should respond to the committee amendment. That information was requested as soon as the amendment was adopted. We are still awaiting for that information.

I think it is only fair to those States, States that have been particularly put in a donor position decade after decade after decade, which is the case with many of our States, that we get the information that we sought. We very well—I am speaking just for myself—we very well may end up supporting this amendment. But it would seem to me, as a matter of fundamental fairness, that when an amendment this complex and this important to our States is brought to the floor, that where information is sought from the Department of Transportation, that information be forthcoming before we are expected to vote on this amendment.

Mr. WARNER. Mr. President, if the Senator would yield, I know of no reason why the chairman, who is momentarily absent from the floor, or the ranking member or myself is trying to push this to a conclusion prior to those who desire to have additional information get all that information and have free discussion on it.

So please do not send out the alarm that, in my judgment, we are trying to roll this thing through before all States have an opportunity to examine the complexity of this and get such information and charts as they so desire.

Mr. LEVIN. I very much appreciate it.

Mr. BAUCUS. If the Senator would yield for me to further make the point of the Senator from Virginia, the Senator knows my office is also calling the DOT to light a fire under them to get the information back so that the Senator from Michigan has all the information he wants in order to make an informed decision.

He is absolutely right. I mean, he represents his State and wants to represent it to the fullest. And he believes, correctly, that he would like to have more information. And so we are doing our best to get the information for the Senator. Once he does have it, I am quite confident things will work out. But it is more important, first, to get that information.

Mr. LEVIN. I thank my friends from Montana and Virginia for their support in our effort to get this information and, indeed, for their long, hard efforts to try to bring a conclusion to this effort to come up with a fair highway bill.

The problem is, as the Chair and others know, there are some States that have not been treated equitably and fairly, at least in our eyes, over the decades.

First, the Senator from Texas correctly says we have a National Highway System. And that is true. I do not think it would be possible to build an interstate across Montana if Montana only got back the amount of money in gas tax for the building of that interstate that was sent to Washington by folks buying gas in Montana. I have no doubt of the truth of that comment.

I have been to Montana. I have been on those interstates. I understand that. I appreciate that. Indeed, I would support that if this were coming up for funding in the 1950s. But that does not explain why a whole bunch of other States that are not in that situation get back a $1.20, $1.40, $1.60, $1.80, $2 for every dollar they send.

We can explain some of this to our constituents. And I have. I get up and use Montana as the example. And I say, it is only right, if you are going to have an Interstate System, that more money go to build an interstate in Montana than is coming from Montana. That is the point the Senator from Texas made.

But, again, let me emphasize, there are a whole bunch of States that that is not applicable to, who have for decades gotten back a heck of a lot more than they have sent into this system and put into that trust fund. And those of us that have been in a donor position for decades, because of these formulas which were put in here many years ago, cannot possibly justify the huge amounts which many donee States have received which do not relate to the fact that they are sparsely populated and have large distances to cross.

And while my friend from Texas may be correct in the case of some States falling into the donor or donee situation, depending upon what year you may be looking at, there are other States which have been in the donor situation constantly throughout where you cannot justify this. And there has been some effort in this bill to correct the unfairness. And I want to thank my friends from Rhode Island, Montana, Virginia, and to others, Texas, who participated in this effort to get a little more fairness for the so-called donor States. I want to thank them for that effort.

Does it come close to repairing the unfairness? I do not know. And we are not going to know until we get this data. There are a lot of complications in these formulas. My dear friend from

Virginia is right, you get all kinds of charts coming in. I mean, one chart which we already have shows that two-thirds of the States actually get a smaller percentage under the committee amendment than they did under the underlying bill.

If that is true—and some of those being donor States—if that is true, how do donor States then get a guarantee of 91 cents back instead of 90 cents, if some of those two-thirds of the States that get a smaller percentage under the committee amendment are donor States?

My State gets a smaller percentage under the committee amendment than it does under the underlying bill. You can add all the money you want, which is what the committee did, but the problem still is going to remain in terms of the percentage of the contribution unless something else happens here. We should be in a worse percentage situation under the committee amendment than we were under the underlying bill. But that is what we want to look at in terms of charts.

I have questions about the density group. How is that defined? I have highly dense, congestive places in the State of Michigan, but I am not one of those 10 States. How is it defined? And why? And why is it that 10 States all get the same amount of money for density no matter where they may fall on some density chart? No matter where they fall, they all get the same amount of money year after year, but States that do not quite reach the level of density get nothing. I would like to at least know why and how, how that is arrived at.

I have a number of questions which I would like to have answered. Are those special categories—for instance, density. When you get a density bonus or a density amount in this bill, does that count in terms of the donor State guarantee of 91 percent? Does that count towards that? We do not know. Perhaps some of the sponsors of the amendment could answer that question.

And to my friend from Texas, my understanding is it is not 91 cents back on the dollar; it is 91 percent of contribution. And that, as a matter of fact, is not 91 percent of your contributions, because there is something taken off the top here. So it is 91 percent of the contributions of the amount which is distributed to the States which is less than 100 percent.

I wish it were 91 cents on the dollar, I tell my good friend from Texas. I wish it were that every buck we are going to send to Washington, from here on in, we are assured we are going to get 91 cents back. That is not my understanding of what this bill does.

So I think here that there is an underlying feeling on the part of many States two things: One, that we need a fairer treatment; and, two, that we want to see some data. And, three, speaking now for myself, when we receive that data, it may answer a whole lot of these questions so that indeed someone like me may end up voting for an amendment such as this, as being an improvement over the status quo.

Now, there is another problem which none of us are going to solve here. And that is that there are offsets for this increase. And we do not know where those offsets are coming from. Because the budget is going to be adopted after we adopt this bill. And the Budget Committee is going to have to find, as I understand it for this upcoming year, $1 billion-plus. We do not know where that $1 billion-plus is coming from.

Now, we are all in that boat. But it is a problem that we all ought to be concerned about. Is that $1 billion going to come from education? Is that $1 billion coming from veterans? It is going to come from domestic discretionary spending. And even those who vote for this amendment, it seems to me, have to be concerned with what lies down the road in terms of paying for this committee add-on.

Again, that is nothing which data from the highway department is going to be able to answer. That is something which we are going to have to fight out or debate in the weeks and months ahead. But it is a real concern. It is an unanswered question. In this case it is a question which cannot be answered prior to the time when we will be voting on this amendment. But, nonetheless, it should be raised as a flag, I think, for all of us. Even those of us who intensely support this amendment, it seems to me, would have some concern about, how are we going to pay for the offset, to pay for the amount of money which has been added?

Mr. WARNER. Mr. President, if I could interject. I thank the Senator. I rose for the purpose of a clarifying statement. You do not pose that in any way as a delay of a judgment by the Senate on the pending amendment? It is just a realization that at some point in time the Senate, as a body, will have to consider where the offsets came from, but not in the context of getting a definitive answer for the purposes of addressing a yea or nay on this amendment; am I not correct?

Mr. LEVIN. The Senator is correct.

Mr. WARNER. I thank the Senator.

Mr. LEVIN. As I said, that is a concern that I hope all of us have regardless of how we end up voting on this amendment as to how that money is going to be paid for, how that offset is going to be achieved.

Second is something I am very much concerned about. We keep hearing thoughts, rumors as to where this is coming from, but that will not be resolvable. I do believe the good chairman of the Budget Committee has indicated there will be no undue impact on any domestic discretionary program as a result, but I haven't seen those exact words—I have heard that secondhand—that the Senator from New Mexico, the chairman of the Budget Committee, has said something like no undue impact on any discretionary program. But I'm not going to quote him because I didn't actually see the quote itself.

So what it comes down to is that we have an amendment that is pending. We have a request for information relative to a complicated amendment, made yesterday to the highway department. We don't have that information.

If the managers of the bill and the sponsors of this amendment are willing to get that information forthcoming before our vote, it seems to me we either ought to have a quorum, as I understand they are on their way, or we ought to set aside this amendment for an hour or two so those of us who are not decided on how to vote on this amendment could be in a position where we could vote on it.

PRIVILEGE OF THE FLOOR

Mr. WARNER. On behalf of the distinguished Senator from Oklahoma, Mr. INHOFE, for purposes of this debate, I ask unanimous consent that Mr. Andrew Wheeler be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ran a calculation for the Senator from Michigan and I will send it over to my good friend. He and I came to the Senate together and sit on the Armed Services Committee together. We have had many debates. The records are full. If the Senator would, take a look at that and see whether or not my analysis of your State is correct. But as I listened carefully, the Senator made the representation to the Senate in his remarks that there are some States that will get less money than they would under the underlying bill.

Mr. LEVIN. That is not correct. The Senator is not correct. I said about two-thirds of the States get a smaller percentage under the amendment than they do under the underlying bill. I will give the Senator some examples and have them printed in the RECORD.

I believe this chart comes from the Federal Highway Administration. I think every State gets more money because there is a significant amount of money that is added to the pot. My statement is that about 38 States get a smaller percentage of a larger pot than they did.

Mr. WARNER. Let's talk about the pot. You are addressing the amendment that is pending before the Senate which we refer to as an add-on to the underlying bill.

Mr. LEVIN. That is correct. The pot I refer to is the total pot after the add-on. I am saying under this chart of the highway administration, this came in yesterday.

Mr. WARNER. I have a copy.

Mr. LEVIN. If you look at the right-hand column, at the minuses, looking at the 6-year percentages with the so-called "option," which is the committee amendment, 38 of the States have a little minus in front of them, meaning they usually get a slightly smaller percentage of the larger pot, which is represented by the amount of money totally there after the committee amendment is adopted. That is the reference I made.

Every State gets more money and every State—to put it very bluntly, say that Michigan contributes an additional $110 million to the highway fund in this larger pot. That $110 million of the delta, the extra money going into this pot, to enlarge it, comes from Michigan, and we get back $100 million. These are hypothetical numbers. That means we are getting back more money, right? But we have put in, actually, a larger share of money towards the amount that is going out.

My good friend from Texas, I am sure, would agree it is about time that the money that goes to the highway fund is distributed to the States. It is long overdue. We shouldn't be having surpluses built up from gas tax dollars which our people pay in order to build and maintain highways. That is long overdue.

My point here, however, is that of the extra amount of that $26 billion that the committee adds, say Michigan's share of that $26 billion is $110 million—I am making up numbers here—and if we get back from that extra amount $100 million, the answer is, yes, we are getting back more than we did under the underlying bill, but it still could be a smaller percentage of the total than we would have gotten under the underlying bill.

Mr. WARNER. Mr. President, I will yield momentarily.

Let's see if we can narrow the Senator's concern. The Senator's concern is not with the underlying bill; it is the manner in which the funds were allocated, roughly $6.9 billion to five programs, and that $6.9 billion coming off of the total $25.8 billion, is that correct?

Mr. LEVIN. The answer is correct. The questions that I have are relative to the amendment that we don't have the information on.

Mr. WARNER. The Senator expresses at the moment some disagreement as to how the committee took the total of $25.8 billion, then took a sum of $6.9 billion and allocated it to five programs; basically, is that the area in which the Senator has disagreement?

Mr. LEVIN. No, I have questions in that area. I don't have a disagreement until I get the information, and then I may or may not have a disagreement.

Mr. WARNER. And that hopefully is forthcoming.

I yield the floor.

Mr. GRAMM. Mr. President, our dear colleague from Michigan reminds me of the drowning man that is on the verge of going down for the third time and we have thrown him an inner tube and he is complaining that he has to swim a little to get to it.

Mr. LEVIN. Will my friend yield for a quick comment?

Mr. GRAMM. I never stop in the middle of an analogy.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas has the floor.

Mr. LEVIN. If the Senator might yield.

The PRESIDING OFFICER. I remind Senators to address each other through the third party. The Senator from Texas has the floor.

Mr. GRAMM. I will get to the point because I'm basically trying to answer questions the Senator raised.

Let me go back to his made-up example. Currently, every taxpayer in America who pays gasoline taxes is basically being cheated out of 25 cents on the dollar on average of what they pay in because it says right on the pump the money is going for highways and it's not. This amendment, over a 6-year period, eliminates that problem.

The Senator from Michigan is saying if Michigan taxpayers now paying 4.3 cents per gallon are currently paying $110 million in gasoline taxes in that tax, what if this amendment only gives Michigan $100 million to build roads from this 4.3 cents per gallon. It seems to me you don't have to have studied high mathematics to understand that Michigan is a lot better off getting $100 million of the $110 million than they were getting zero from the $110 million.

When you look at the formula, because of the makeup of the National Highway System, there are many States that will not get every penny of it back to their State but they are going to be substantially better off than they are now and a tremendous amount of the underlying inequity will be fixed. That is the first point I wanted to make.

The second point I want to make is in terms of offsets, where we are going to cut other programs to pay for this, that we are going to decide those offsets in the budget. Every Member of the Senate will have an opportunity to vote on that.

Before we weep too much about the offsets, I go back to my example of the rustler who has been stealing our cattle by taking 25 cents out of every $1 in gasoline tax and spending it on something else. It may be that in the process someone discovers that this rustler actually gave money to the First Baptist Church, but are we going to argue that we don't want to stop rustling because a rustler contributed money when the plate was passed at the First Baptist Church? The point is, we have to take the money away. That money should never have been there in the first place. This money should have been spent on roads from the beginning.

Finally, before I yield to the Senator, and I will be happy to do it or yield the floor and let him have the floor, what I will try to do not just for the Senator from Michigan but for all of our colleagues, I will try to explain some of the logic of the underlying bill. I'm not on the committee but I have studied the thing and understand it so that Senator BYRD and I could write our amendment with Senator BAUCUS and Senator WARNER, so, in fact, I find myself in possession of information that I never wanted to have to begin with but I think it is relevant to this whole debate. I don't think people really understand how the highway program works. Maybe as one who is a new possessor of this knowledge, I find it really reflects on this whole problem we are dealing with.

Let me try to very briefly deviate from my background as a schoolteacher, and be brief. Let me try to run through it and then explain the games that people can play if they chose to. Since the beginning of our highway program, we have had a general rule of thumb, and that has been a division of money from the highway trust fund. That portion that goes to highways has gone into two pots. One pot is money that is available nationally under an account that is overseen by the Secretary of Transportation and the National Highway Administration, and that has normally been roughly 10 or 11 percent, total. That has focused on individual priorities and a series of concerns that have not generally been dealt with by the allocation to the States. The other 90 percent has gone to the States. This is not a new invention with this bill. It has been true in every highway bill that we have had. It is true in this bill.

Now, I could personally go through this bill and take the 10 percent of items that will be funded under the national account and say there are a lot of these programs that I am not for. I don't want to create sadness by talking about what they are, but the point is, since they deal with concerns for a big country, and Texas is one piece of it—the most important piece, the largest piece—and shares more interest in common with the country because we have more diversity than anybody else, it is true that we have money for building roads on public lands. We are blessed in Texas in that we were a country first so we have virtually no public lands. We never thought it made sense when we came into the Union to have the United States own our State. So we will get virtually no money out of the account that is available for building highways on public lands. It is a little over $1 billion, if my memory serves me right.

Now, I could stand up here and say, "Look, Texas has got no public lands to speak of. We are not going to get a penny out of that $1 billion." The point being, like the distinguished Presiding Officer who is from a Western State, he didn't choose to have the Federal Government own a huge chunk of his State. Probably over half the land in his State is owned by the Federal Government. I feel sorry for him. I don't think it is right. I would like to see some of that land back in private hands, I say to the Presiding Officer. The point is that is part of a national system. The Presiding Officer can't help it that the Federal Government owns over half of his State.

So, to adjust, in the 10 percent of the bill, we have a whooping $1 billion that his State will benefit from, and my State won't benefit. We won't get any of the money. Now, I could do a chart that says you eliminate that program for funds to be spent on public lands and I could show Texas gets more money. I can show that Virginia gets more money. We have money in here for roads on Indian reservations. We had the most bitter part of the Indian wars in my State. We had Apaches and Comanches raiding our capital in the 1870s. We have only a couple of tiny, little Indian reservations in Texas. Oklahoma has vast quantities, as does Arizona.

Now, I could stand up here and say, well, look, by building roads on Indian reservations, you are not doing anything for Texas. I could take that billion dollars for roads on Indian reservations in the 10 percent national account in the bill—I could strip it out and say, look, you distribute it to all the States, and every State will gain. In fact, you would probably get 40 of the 50 States in the Union that would gain if you did that. But is that how you write a national highway bill?

So the point I am making is that to single out parts of the 10 percent and say that if we eliminated them, we could have more to give the States, look, if I were writing the highway bill by myself, I would not even have the 10 percent. I would give all of it to the States. But I am not writing the highway bill by myself. What I am trying to explain to people is that when you are singling out programs like the Appalachian Regional Highway Program, you are singling out a program that has been in every highway bill since 1965. The money that is being provided is actually a smaller percentage of the overall bill than President Clinton requested. The amount of money being provided is a smaller percent than was spent under the last highway bill, when you add up all the expenditures.

This is a program that became the law of the land in 1965. The program is on the verge of moving toward completion. You can single it out if you want to, but how is it less meritorious than building roads on public lands? How is it less meritorious than building roads on Indian reservations? It's part of a series of national priorities.

Now, in case you don't know much about geography, Texas is not part of Appalachia. My State doesn't benefit one bit from that provision. But the point is, it has been part of every program since 1965, and it is part of this 10 percent overhead to deal with specific programs. So if we could go back and reinvent the world, change the whole highway system, this logic would make sense. But I think singling out a couple of programs when there are many others that are more vulnerable—and we can all play this game—in the end you don't have a highway bill.

Let me say, in terms of density, that I don't have to read very well to see that Texas, which has 3 of the 10 largest cities in the country, does not benefit a nickel—not a penny—from this density thing. Where did this density thing come from? First of all, I am not accepting any responsibility. I am not on the committee. I would love to take it out. But what is it trying to do?

Well, the old highway bill was written under the 1980 census, which was outrageous. It happened because the House has been, until the last reapportionment, dominated by the East and Midwest. All of our formulas are rigged to take money away from the South and the West and give it to the East and the Midwest. We all know it. We are beginning to fix it with this highway bill. But as a result of getting rid of the 1980 census, which is only 18 years old, by doing that we are going to have some States that are substantial losers, and our colleagues are going to have to go back to their States and say that in the highway bill we really got a dramatic change relative to the old bill, basically because people voted with their feet to move off to California, Texas, Virginia and Georgia.

What this whole density provision is about is trying to cushion the blow to those States. So I could offer an amendment—as apparently is being contemplated by others—to say, strike this density provision. Let me look here before I say that. Virginia gets nothing out of the density provision. I will mention one more. Rhode Island gets nothing from the density provision. So we could offer an amendment to strike the density provision and give that money to other States, and we could show that 40 States of the Union benefit and only 10 or 15 lose. But the purpose was to write a bill that every State in the Union can live with, and where people, in good conscience, can go home and say that given where we are, given the growth pattern of the country, we did as well as we could expect to have done, given what has happened to the population in the country and the movement of population.

So I want to urge my colleagues to understand that we have always had a division of roughly 90–10 in the funds for national priorities and to the States. I wish we had no 10 percent, but we do, and we always have. Singling out specific programs is simply not fair when we look at the other programs, whether it's building roads on Indian lands or public lands, simply because we have no Indian lands in our State, or we have no public lands to speak of in our State. We need to understand what a national highway bill is about is dealing with those things.

I want to conclude by going back to ARC. I know more about ARC than I ever started out wanting to know, given that I am not from there. But I have had the privilege, in the last year, of working with a man who is very much committed to Appalachia. When Senator BYRD was born in Appalachia, it was a big red letter banner day for Appalachia and for West Virginia. He cares about this program intensely. So people look at this and say that is a good and ready target. There are only 13 States in Appalachia, and that means there are 26 Senators. Again, when you take 100 and subtract 26, you get more than a majority.

I want to be sure that everybody understands the following points:

No. 1. Appalachia has been part of the national section of this bill, in one form or another, since 1965. I guess Senator BYRD was the only person who was here in 1965 and who voted for it, but it passed and it's the law of the land.

No. 2. We have a smaller percentage of the amount of money we are spending in this bill going to Appalachia than the President asked for. We have a smaller percentage of this bill going to Appalachia than was actually funded over the last 6 years as a result of the appropriations process and the old bill, and so anybody who thinks that this is some new program that has been put into this bill, that is providing money that was not there over the last 30 years, or that somehow it is providing more money as a percentage of the bill than we had in the past, is simply wrong.

I urge my colleagues, if you are going to single out one little program, remember that everybody can play this game, whether it's Indian land roadbuilding or public land roadbuilding, or 25 other categories; we can each pick some part of the bill that does not benefit our State and we can try to take that part away to add money to the formula. But the truth is that this roughly 90–10 formula has been in place throughout the whole history of the highway bill, and, in fact, if you knocked out this program and didn't change the makeup of the highway bill, the Secretary of Transportation would decide where the money is spent and would probably spend it on exactly the same thing.

So I wanted our colleagues to understand how the bill is made up, and I think that, other than the handful of people on the committee, people don't know. So it looks like some giant conspiracy against them when, in fact, if you look at the totality of it, it makes sense. Since we all resent deals we are not part of—I certainly do—these deals they put together in committee look mysterious. But I think if you understand how the bill has evolved over the last 30 years and how it is made up, it is pretty reasonable, again, for the kind of work we are doing.

I wasn't trying to get into a debate with the Senator from Michigan. I am from a big-time donor State. My State, under the old highway bill, got back 77 cents out of every dollar. We are going to get back 91 cents out of every dollar in this bill, and I rejoice. It is progress. In the future, when we build a vast North-South interstate system to go with our East-West system, maybe in the next highway bill, people will be standing here saying that Texas is getting back $2.12 for every dollar, because now you are building these interstates from Lubbock to Texarkana.

The point is, that is what a National Highway System is about. When it works in our favor, we are all quiet about it, hoping nobody notices. When it works against us, we scream to the heavens. That is how the system works.

I would be happy to yield the floor and let the Senator from Michigan speak, or answer a question. I didn't want to stop in the middle of my analogy, knowing how clever the Senator from Michigan was, knowing he would destroy it outright.

Mr. WARNER. Mr. President, I thank the Senator from Texas. It has been interesting. I may have made a mistake. Perhaps I should have taken the block of money that was to correct the inequity of the donor States and put it up there above the line as one of those programs. But it was a program. While not clearly identified above, it was a program. Let me give you some examples.

In the 1991 ISTEA I bill—I was a conferee and I was in the second row and was told to be quiet while the dominating chairmen, predominantly from the Northeast, controlled it. That bill came out, and Massachusetts got $2.45; Connecticut, $1.92; New York, $1.25; Maine, $1.23; New Jersey, $1.09; Pennsylvania, $1.16. The donor States: South Carolina got 72 cents; Missouri, 85 cents; Michigan, 80 cents; Mississippi, 83 cents; Virginia, 79 cents; Florida, 82 cents.

You bet I took a block of money and I straightened it out, together with the support of my distinguished ranking member, the senior Senator from Montana. We straightened it out. We took a chunk of money and balanced that thing out so that now, with the underlying bill, they get 90 cents—not these egregious disproportionate sums, but 90 cents.

With the amendment before us, we tried to allocate the dollars so the donor States came up—as many as we could—to 91 cents. Maybe one or two were a fraction under, about 90.8 cents. But that's what we tried to do under this bill. There it is.

I am going to put into the RECORD at this point a chart, in the battle of the charts now, to show all of the States and how they fared under the 1991 bill compared to the underlying bill at 90 percent.

I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMPARISON OF AVERAGE ANNUAL APPORTIONMENTS FOR VARIOUS SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS*

[In thousands of dollars]

State	ISTEA P.L. 102–240			Intermodal Surface Transportation Efficiency Act II S. 1173		
	$	%	% HTF	$	%	% HTF
Alabama	332,076	1.815	0.8181	440,984	1.997	0.9000
Alaska	212,284	1,160	4,5339	273,823	1.240	4.8445
Arizona	256,005	1.399	0.8110	342,955	1.553	0.9000
Arkansas	262,823	1.437	0.9944	293,697	1.330	0.9205
California	1,670,616	9.133	0.9046	2,020,441	9.150	0.9063
Colorado	200,876	1.098	0.8602	281,614	1.275	0.9989
Connecticut	352,884	1.929	1.9283	379,110	1.717	1.7161
Delaware	72,760	0.398	1.3807	103,788	0.470	1.6315
Dist. of Col.	92,104	0.504	3.9887	99,792	0.452	3.5799
Florida	768,405	4.201	0.8210	1,016,800	4.605	0.9000
Georgia	544,262	2.975	0.7638	774,165	3.506	0.9000
Hawaii	126,495	0.692	2.6738	131,960	0.598	2.3106
Idaho	125,018	0.683	1,2451	181,076	0.820	1.4939
Illinois	683,258	3.735	1.0105	734,596	3.327	0.9000
Indiana	408,059	2.231	0.8254	537,118	2.432	0.9000
Iowa	220,676	1.206	1.0352	291,408	1.320	1.1324
Kansas	210,018	1.148	0.9936	289,137	1.309	1.1331
Kentucky	285.474	1.561	0.8097	383,071	1.735	0.9000
Louisiana	264,040	1.443	0.8187	391,813	1.774	1.0064
Maine	117,708	0.643	1.2310	126,672	0.574	1.0974
Maryland	305,888	1.678	1.0020	332,751	1.507	0.9000
Massachusetts	830,024	4.537	2.4582	392,393	1.777	0.9627
Michigan	514,446	2.812	3.8023	696,628	3.155	0.9000
Minnesota	280,668	1.534	1.0733	330,117	1.495	1.0458
Mississippi	202,329	1.106	0.8345	278,518	1.261	0.9516
Missouri	404,387	2.211	0.8553	525,443	2.379	0.9206
Montana	161,661	0.884	1.8457	234,074	1.060	2.2139
Nebraska	142,252	0.778	0.9603	185,431	0.840	1.0369
Nevada	117,301	0.641	1.0027	161,202	0.730	1.1415
New Hampshire	88,413	0.483	1.1842	114,829	0.520	1.2741
New Jersey	521,026	2.848	1.0925	532,188	2.410	0.9244
New Mexico	178,413	0.975	1.1226	231,866	1.050	1.2085
New York	1,001,465	5.475	1.2562	1,126,672	5.102	1.1707
North Carolina	478,873	2.618	0.8336	624,113	2.826	0.9000
North Dakota	116,258	0.636	1.7645	161,202	0.730	2.0267
Ohio	655,612	3.584	0.9369	760,300	3.443	0.9000
Oklahoma	259,702	1.420	0.8421	347,988	1.576	0.9347
Oregon	212,793	1.163	0.8934	284,368	1.288	0.9890
Pennsylvania	889,978	4.865	1.1697	836,244	3.787	0.9104
Rhode Island	106,052	0.580	2.1089	128,078	0.580	2.1098
South Carolina	234,009	1.279	0.7246	350,872	1.589	0.9000
South Dakota	119,442	0.653	1,8165	172,243	0.780	2.1699
Tennessee	365,565	1.998	0.7947	499,764	2.263	0.9000
Texas	1,174,846	6.423	0.8396	1,520,201	6.884	0.9000
Utah	130,046	0.711	0.8311	190,431	0.862	1.0082
Vermont	79,486	0.435	1.4840	103,788	0.470	1.6052
Virginia	414,607	2.267	0.7970	565,171	2.559	0.9000
Washington	341,090	1.865	0.9506	405,928	1.838	0.9371
West Virginia	209,819	1.147	1.4239	225,365	1.021	1.2669
Wisconsin	352,373	1.926	0.9544	401,139	1.817	0.9000
Wyoming	115,092	0.629	1.3513	167,827	0.760	1.6323
Puerto Rico	81,874	0.448	N/A	101,332	0.459	N/A

COMPARISON OF AVERAGE ANNUAL APPORTIONMENTS FOR VARIOUS SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS*—Continued

[In thousands of dollars]

State	ISTEA P.L. 102–240			Intermodal Surface Transportation Efficiency Act II S. 1173		
	$	%	% HTF	$	%	% HTF
Total	18,292,630	100.0		22,082,486	100.0	

*Federal Lands Highway Program funds are excluded from this comparison.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. WARNER. Yes.

Mr. GRAMM. Listening to the Senator talk about eliminating the tremendous inequity in the 1991 bill, I think it would behoove every Member of the Senate, when they are looking at how well off they are under your bill with our amendment, to look at how they did in 1991 and see that each of the inequities that we chafe under are far diminished under your bill and, of course, knowing you represent Virginia, and listening to the fact that on the old highway bill you were sitting in the back room in obscurity and silence, and now you speak with such great clarity, it reminds me of the old saying in the part of the country we are from, which is, "Save your Confederate money, boys, the South will rise again."

Mr. WARNER. Before we invoke too much history here, it wasn't just the South; it was Michigan and some other States that were in the donor category. But I am going to put this on the table. So, when the call up yonder is taken here shortly on this amendment, you can see exactly where you fared under the 1991 bill compared to where you fare under this bill. And it is absolutely striking.

Again, I am back to try to be helpful among the several States. There stands 90 like a stone wall. We tried to get above 90 as best we could for as many donor States. And I think when the final charts come out, I can show you exactly where the donor States went under the recalculations that we get under the amendment.

But I thank the Senator from Texas. It was very interesting to listen to his rendition, which was accurate, or I would have interjected. It was accurate as to how these bills have been put through, through the years. And you can fault the ARC. My State happens to be a beneficiary. Therefore, when I speak in support of ARC, I do so think that Virginia is a beneficiary. It is proudly in the Appalachian corridor. But that program has been there since 1965. It was enacted by the U.S. Senate in conjunction with the House. As a matter of fact, I think it was William Jennings Randolph who was then chairman of the committee on which I am proudly serving, and now under the leadership of Senator CHAFEE and Senator BAUCUS. But that was at that time. And it is a program that is unfinished, as Senator BYRD pointed out, and hopefully this will take it almost to completion under this bill.

So I thank the Senator from Texas.

Mr. President, if there are other Senators desiring to speak, I will yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

First, let me assure my good friend from Texas that I agree with most of what he said, including the reference to Senator BYRD, as not only a red letter day for West Virginia when Senator BYRD came to the Senate, but it was a red letter day for the Nation and for the Senate when Senator BYRD came to the Senate. And his effort on behalf of the Appalachian Regional Commission is one that I think is a justified effort.

This is a national bill. I happen to agree with that. The Senator from Texas made reference to the fact that this is a national bill. This is also a complicated amendment. Those of us who have been in the donor status for decades want to understand. There are other Senators who would like to get the data that hopefully now the Transportation Department is providing us. But for those of us who have given tens of millions, totaling hundreds of millions of dollars, as donor States, based on formulas which cannot be justified in our eyes, we surely want to understand what these new formulas provide, and why.

I asked a question about the new density program. It is a new program. This is not one that has been in the law for some time like the ARC or the public lands. This is a new program based on density. How are those rules divided? For those of us who have dense areas in our States, why is it that we are not on the list while some others States are on the list? It may be a very good formula. It may be a fair formula, taken in context. But it is a new formula and one I surely want to understand since we have some dense areas in my State.

We have asked for some information. I think it is only fair that we get this information. It is going to affect how at least some of us may vote on this amendment. Speaking for myself, it is going to affect how I vote on this amendment. In some sense, we are better off. There is a 91 percent assurance, we are told, that is built into the law. That is an improvement over the past.

However, there are some disadvantages to the approach as well. One of the disadvantages is that we now are creating a very large uncertainty as to how these added funds are going to be paid for with other programs. We cannot solve that here. But we all have to understand that we are taking that risk. For those of us who are still in a significant donor position, even though it has improved over the last ISTEA, we have to weigh the risk of losing important discretionary programs against the improvements that we seek.

My good friend from Texas talked about throwing a lifeline to somebody who is drowning. Is this a 10-foot lifeline to somebody who is drowning 20 feet offshore? That is the question we have to analyze. Does someone in the position of representing a donor State vote for this because it is an improvement, with all the risks that are there? Or do we vote no on this because it still embodies for 6 more years an unfairness that we perceive?

All I am urging upon my colleagues is this: that surely fairness dictates, if not the outcome of formulas, we be given information upon which we wish to rely in voting on an amendment in a bill. As I said, I may vote for this amendment, I may vote for the bill, but we want information to help us make that judgment. For those of us who have been in a donor State position for decades, it seems to me that this is a fair thing for us to ask and a fair thing for us to expect.

I have no need to talk longer on this. I do have a need to get the information which will permit me to make that assessment, which I have referred to.

I will suggest the absence of a quorum, unless there is somebody else who wishes to speak, in order that we can now visit with the transportation people and obtain that information that we have been waiting for.

Mr. President, unless there is somebody else who wishes to address the body at this point, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the chart that I referred to of the Federal Highway Administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1998–2003—ISTEA II ADDED FUNDS APPORTIONED BY NET ISTEA II PERCENTAGE

[Dollars in thousands]

State	Average annual apportionments allocations for ARC & Density, and bonus payments		Dollars, Delta	Six-year percentages		
	S.1173, 6-yr	Option, 6-yr		S.1173, 6-yr	Option, 6-yr	Delta
Alabama	140,999	543,453	102,454	1.9970	2.0819	0.0850
Alaska	273,832	312,932	39,099	1.2400	1.1988	−0.0412
Arizona	342,967	404,698	61,731	1.5531	1.5504	−0.0027
Arkansas	293,707	335,644	41,937	1.3300	1.2858	−0.0442
California	2,020,393	2,372,013	351,621	9.1490	9.0871	−0.0619
Colorado	281,603	321,812	40,209	1.2752	1.2329	−0.0423
Connecticut	379,110	433,131	53,021	1.7167	1.6593	−0.0574
Delaware	103,791	118,611	14,820	0.4700	0.4544	−0.0156
Dist. of Col.	99,792	114,042	14,250	0.4519	0.4369	−0.0150
Florida	1,016,835	1,214,381	197,546	4,6046	4.6523	0.0477
Georgia	774,191	914,267	140,076	3.5058	3.5025	−0.0033
Hawaii	131,987	150,818	18,831	0.5977	0.5778	−0.0199
Idaho	181,083	206,939	25,856	0.8200	0.7928	−0.0272
Illinois	734,622	884,279	149,658	3.3266	3.3876	0.0610
Indiana	537,137	633,817	96,680	2.4323	2.4281	−0.0042
Iowa	291,411	333,019	41,608	1.3196	1.2758	−0.0438
Kansas	289,146	330,434	41,288	1.3093	1.2659	−0.0435
Kentucky	383,084	473,511	90,427	1.7347	1.8140	0.0793
Louisiana	391,895	447,919	56,023	1.7746	1.7160	−0.0587
Maine	126,698	144,810	18,112	0.5737	0.5548	−0.0190
Maryland	332,762	414,089	81,327	1.5069	1.5864	0.0795
Massachusetts	392,383	478,422	86,039	1.7768	1.8328	0.0560
Michigan	696,652	822,044	125,391	3.1547	3.1492	−0.0054
Minnesota	330,122	377,264	47,142	1.4949	1.4453	−0.0496
Mississippi	278,522	322,152	43,630	1.2612	1.2342	−0.0271
Missouri	525,467	600,512	75,045	2.3795	2.3005	−0.0789
Montana	234,082	267,506	33,424	1.0600	1.0248	−0.0352
Nebraska	185,430	211,902	26,472	0.8397	0.8118	−0.0279
Nevada	161,208	184,226	23,018	0.7300	0.7058	−0.0242
New Hampshire	114,833	131,229	16,396	0.5200	0.5027	−0.0173
New Jersey	532,206	638,198	105,991	2.4100	2.4449	0.0349
New Mexico	231,874	264,982	33,108	1.0500	1.0151	−0.0349
New York	1,126,664	1,324,725	198,061	5.1019	5.0750	−0.0269
North Carolina	624,134	744,883	120,748	2.8263	2.8536	0.0273
North Dakota	161,208	184,226	23,018	0.7300	0.7058	−0.0242
Ohio	760,326	916,776	156,450	3.4430	3.5121	0.0691
Oklahoma	348,008	397,705	49,697	1,5759	1.5236	−0.0523
Oregon	284,363	324,966	40,603	1.2877	1.2449	−0.0428
Pennsylvania	836,421	1,054,347	217,926	3.7876	4.0392	0.2516
Rhode Island	128,083	146,371	18,288	0.5800	0.5607	−0.0193
South Carolina	350,884	413,990	63,107	1.5889	1.5860	−0.0029
South Dakota	172,249	196,844	24,595	0.7800	0.7541	−0.0259
Tennessee	499,781	615,535	115,754	2.2632	2.3581	0.0949
Texas	1,520,253	1,793,886	273,632	6.8842	6.8723	−0.0119
Utah	190,417	217,615	27,198	0.8623	0.8337	−0.0286
Vermont	103,791	118,611	14,820	0.4700	0.4544	−0.0156
Virginia	565,190	699,238	134,048	2.5594	2.6788	0.1194
Washington	405,917	463,879	57,962	1.8381	1.7771	−0.0610
West Virginia	225,413	305,472	80,059	1.0207	1.1703	0.1495
Wisconsin	401,153	473,357	72,204	1.8165	1.8134	−0.0031
Wyoming	167,833	191,797	23,964	0.7600	0.7348	−0.0252
Puerto Rico	101,332	115,802	14,470	0.4589	0.4436	−0.0152
Total Apportioned	22,083,248	26,103,083	4,019,835	100.0000	100.0000	....

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I take the floor because we are presently in a quorum call and I thought it might be a good time for me not to overly impose on the Senate, since the Senate is not having any debate at the moment anyway.

Mr. President, Sir Francis Bacon, who was the Lord Chancellor and who ultimately went to the Tower—he wasn't executed, but he went to the Tower. In 1621, he was impeached and he was sent to the Tower for accepting bribes, which he admitted. He said there are three things that make a nation great and prosperous: a fertile soil, busy workshops, and easy conveyance for men and goods from place to place.

The Persians knew the importance of good roads, and had a network of roads that connected Susa and Ecbatana and Sardis and Babylon and Ninevah and Carchemish. Cyrus the Great was the king of Anshan in 559 B.C., and he became the king of all Persia when he defeated the Medes in 550. From 550 B.C. until 529 B.C. Cyrus ruled. Cyrus was killed in a battle with the Massagetai, whose ruling queen was named Tomyris—Tomyris. It's a very interesting story.

Herodotus, the author of history, tells us about it. I won't repeat that part today. Cyrus was killed in 529 B.C. and Cambyses, his son—Cambyses II—ruled from 529 to 522 B.C. Then Darius the Great ruled from 522 B.C. to 485 B.C.

Darius the Great—and Herodotus tells us this—Darius became king upon the neigh of a horse. He and some others joined in a conspiracy and assassinated an imposter to the throne. Upon the death of the imposter, these seven conspirators, of which Darius was one, decided they had to make a decision as to who would rule. They had a very interesting discussion about democracy and aristocracy and monarchy. Herodotus tells us all about it. It would be interesting for Senators to read that, or to reread it in the event they have already done so.

In any event, they decided at sunrise they would go out into the suburbs, these several conspirators, and that the first horse that neighed, the rider of that horse would be king of Persia. Darius subsequently told his groom, Oebares, about this and said, "This is what we have agreed upon. Do you have any ideas?" Oebares said, "Yes, don't you be concerned about it. Your horse will be the first to neigh."

That evening, Oebares took the favorite mare of Darius' horse into the suburbs and tied her to a tree. He then took Darius' horse to where the mare was tethered, and, after a little while, returned with Darius's horse into the city for the night. The next morning, Darius and the other conspirators rode out into the suburbs with their horses. As they came near to the area where the mare was still tethered, Darius' horse neighed. The other conspirators immediately fell down upon the ground and proclaimed Darius to be the new king of all Persia. This is according to Herodotus.

Darius the Great built great roads. The Egyptians knew how to build good roads, the Etruscans, the Carthaginians, but the Romans were the truly great roadbuilders. Some of the roads and bridges that the Romans built hundreds of years ago are still in use. Many Senators who have visited Rome and have gone out to Tivoli—a few hours drive—have traveled the Old Appian Way, which was built by Appius Claudius Caecus, beginning in 312 B.C. and extending from Rome to Capua and on to Brundisium. The Romans knew how to build roads. They understood that in the center of the road there had to be a crown so that the water would drain off on each side and that on each side there had to be a ditch for the runoff water. These roads enabled the Roman legions to reach any part of the vast Roman empire. The Romans were great roadbuilders. And they built bridges, some of which are still in use today.

Now, roads in our time are very important and we have heard the expression that America is a country on wheels. People are on wheels. They are going hither, thither and yon at all times.

The Department of Transportation has indicated that the highways in all of the national system have deteriorated and that only 39 percent of the highways in the national system are in "good" condition.

We now have this highway bill that has come to the floor and we have already discussed the amendment, how it came about, and the meetings that took place in the majority leader's office. I said before and I say again, the majority leader performed a tremendous service in inviting those who were participants in the discussions, inviting them to his office and sitting with us each day, assisting us in reaching an agreement which now takes the form of an amendment to the ISTEA II bill, the Intermodal Surface Transportation Efficiency Act.

I came into these meetings, in a way, as someone out of the highways and hedges. I am not on the Environment and Public Works Committee. I am not on the Budget Committee. The Environment and Public Works Committee has jurisdiction over this legislation. I am not on that committee. Mr. BAUCUS is the ranking member of that committee. Mr. CHAFEE is the chairman. Mr. WARNER is a member of that committee and is chairman of the Transportation Subcommittee of that committee. Mr. DOMENICI is chairman of the Budget Committee, and Mr. GRAMM of Texas is a member of the Budget Committee. Those were the participants. I believe Mr. D'AMATO sat in on one or two meetings. He is chairman of the Banking Committee, which has jurisdiction over the mass transit moneys. That was not part of our amendment.

So, as I say, I was a stranger, in effect, to these meetings, not being a member of the committees that were directly involved. But I got into this thing because of Appalachia and because the moneys that were being deposited into the highway trust fund were not being spent for highways. And I talked with various Senators, upon one occasion with the Senator from Montana, Mr. BAUCUS. I said, "We need help on Appalachian highways." He said, "Well, we need more money, we need more money." I said, "OK, let's spend the money that is going into the highway trust fund. That is what the people think it is being collected for; let's spend it."

Mr. GRAMM of Texas had offered an amendment last year in the Finance Committee to transfer the 4.3-cent gas tax, of which 3.45 cents is for highways and 0.85 cent, or a little less than 1 penny per gallon, is for mass transit.

Mr. GRAMM had taken the bull by the horns and had, in the Finance Committee, offered an amendment, which was adopted, to transfer the 4.3 cents gas tax into the trust fund.

Senator GRAMM's amendment was later adopted by the Congress in the Taxpayer Relief Act. Congress adopted that proposal, and that money has been going into the highway trust fund but not being spent.

For those two reasons, I invited myself to the "party." I came up with this fine team of GRAMM, BAUCUS, and WARNER, and we all said, "Let's spend that money on highways and bridges," and we accordingly joined in sponsoring the amendment to do so.

That is how the Romans would have spent it. That is how the Etruscans would have spent it. I think that if Darius and the Persians were here today, they would say spend it on roads.

The four of us worked hard over a period of several weeks and months to get other cosponsors on the amendment. In the final analysis, we got 54 cosponsors in all. The day we reached an agreement on the amendment, may I say to the Senator from Montana, Mr. BAUCUS, I received a call from a 55th Senator saying, "I want to get on that amendment."

So it is never too late—never too late, never too late—to go to the altar, never too late to get religion, never too late to join in a good cause.

There were several Senators who said they did not want to cosponsor the amendment for various reasons, but if it came to a vote, they would support the amendment. I hope that will be the case.

This bill does not please everybody. I have not talked about Appalachia because I sense that there is a tendency for some people to think that I am only interested in Appalachia. However, I listened to Senator GRAMM just a little while ago make an excellent case for Appalachia.

Many times I have read Daniel Webster's reply to Senator Hayne of South Carolina on Tuesday and Wednesday, January 26 and 27, 1830. It was on January 26 and 27 that Webster took the floor in the old Chamber just down the hall and made his magnificent reply to Senator Hayne of South Carolina.

Many of the schoolboys in this country years ago memorized those speeches by Webster. We used to do those things. Webster spoke from about 12 pages of notes, one of the great, great speeches of all time, perhaps not the greatest. Demosthenes in his oration on the Crown probably delivered the greatest oration of all time. Cicero was once asked which of Demosthenes' speeches he liked best, and he said, "The longest."

Webster, in his debate with Hayne, made my case concerning "a road over the Alleghanies." I have quoted him a number of times over the years. I will not do that today. The record has been made.

But I could not have said it better than did Senator GRAMM earlier today.

So much for Appalachia at this point. I came here today to speak on the overall amendment. The adoption of this amendment signals a critical milestone in restoring integrity to our highway trust fund and the trust of the traveling public—the trust of the traveling public in their Federal Government. You drive up to the gas tank and you buy gasoline; you pay 18.3 cents on every gallon of gasoline in Federal tax—18.3 cents.

The ranking member of the Environment and Public Works Committee, who knows a lot about these things—I am not supposed to know a lot about this subject; don't know a lot about anything probably, not as much as I used to know on many subjects.

The Senator from Montana will correct me if I make a misstep here. The American people when they drive up to that gas pump see the little cylinder running round and round and round, and they know that the gas is flowing out of that nozzle into the tank of their car. As that cylinder rolls, the gas is pouring out of the nozzle. In their mind's eye, they should also see that as that cylinder rolls and the gas flows into the tank, there is also money flowing from their purchase into the highway trust fund. Just as the cylinder rolls, that money is flowing right into the highway trust fund.

So, there is 18.3 cents on the gallon that they pay in Federal tax. As Senator GRAMM has put it a number of times—the only part we are talking about here is the last 4.3 cents permanent gas tax that was added by the Congress—we are not talking about the cattle that were rustled before the 4.3 cents tax was enacted, we just want you to stop rustling the cattle.

In any event, we are talking about the 4.3 cents. Actually, in our amendment, we are talking about the 3.45 cents of that 4.3 cents, and we say that the people believe that that money is going into the construction and repair and maintenance of the highway system.

That trust fund was created in 1956. I am probably the only Member of the Senate who was in Congress at the time that trust fund was created. That was during the Eisenhower administration, when the interstate system of highways was created, all of which has been completed. That trust fund is what we are talking about. The 4.3 cents gas tax is going into the trust fund, and it should be spent on highways.

My colleagues and I who cosponsor this amendment are simply saying let's keep faith with the American people.

Senators GRAMM, BAUCUS, WARNER and I have toiled mightily over these last several months to boost the resources available over the next 6 years to better meet the needs of our Nation's transportation infrastructure and better spend the resources that are collected from the public and deposited in the highway trust fund.

Over the last several years, spending on our Nation's highways has been restricted so severely that the highway account of the highway trust fund now shows an unspent balance of more than $12 billion, money that sits idle in the trust fund, serving only the purpose of offsetting the Federal deficit at a time when our roadways and bridges are deteriorating at a rapid rate and our constituents are required to sit in ever-worsening traffic jams.

This past summer, the Senate adopted the Taxpayer Relief Act of 1997 which, through the efforts of my colleague Senator GRAMM, took the 4.3 cents gas tax initially levied for deficit reduction and moved that revenue into the Highway Trust Fund. As I indicated earlier, of that 4.3 cents, 3.45 cents was newly-deposited into the highway account of the highway trust fund. However, the ISTEA II bill reported by the Environment and Public Works Committee, S. 1173, did not authorize one penny—one penny—of that additional revenue to be spent on our Nation's highways and bridges. It was at this time—part of this is a repetition of what I have said earlier—it was at this time that Senator GRAMM and I joined forces to mount a campaign to amend the committee bill so as to allow the spending of the resources of the 4.3 cents—spend it.

We were very pleased to be joined in our efforts by Senators BAUCUS and WARNER, respectively, the ranking member and chairman of the Surface Transportation Subcommittee.

It has been a vigorous battle that we have waged here over the past several weeks trying to gain the minds and the hearts of other Senators. Up to one week ago we had 54 cosponsors, and then we got a 55th one. But we were faced with very able adversaries in these meetings in Senator LOTT's office—very able adversaries in Senator DOMENICI and Senator CHAFEE.

One week ago, the majority leader, Mr. LOTT, invited us to his chambers in an effort to negotiate a compromise on this issue. And I have commended and will commend again the fair-minded manner in which the majority leader presided over those negotiations.

Senators BAUCUS and GRAMM and WARNER and I were not inclined to negotiate a solution that in any way abandoned our principle of authorizing the spending of the revenue in the highway account of the highway trust fund. And we made that point very clear. Even so, there were other factors that appropriately were brought into the discussion and merited the attention of all participants.

Specifically, the Congressional Budget Office has reestimated the revenue stream of the 4.3 cents coming into the trust fund, as well as the overall cost of the committee-reported ISTEA bill. It also reestimated the total amount of new revenue coming into the trust fund over the life of the next highway bill, 1998–2003. The changes reflected in this amendment, in comparison to the original Byrd-Gramm-Baucus-Warner amendment, largely reflect the appropriate differences in CBO's estimates.

The original Byrd-Gramm-Baucus-Warner amendment authorized $30.9 billion, an amount equivalent to CBO's original estimate of the revenue to the highway account of the trust fund for the period, fiscal years 1999–2003. CBO reestimated this revenue stream to be a level of $27.4 billion. This amendment that we are cosponsoring, that we are presently considering today, totals $25.9 billion of the $27.4 billion that we had asked for. So we came down from $27.4 billion to $25.9 billion. And, as such, this amendment covers 94 percent of our initial goal.

Now, Mr. President, I have been in several high-level negotiations in my public career of 52 years. It is rare that I am offered 94 percent of my original position and, as such, I, along with Senators GRAMM, BAUCUS and WARNER, embraced this final compromise. And as was true under the Byrd-Gramm-Baucus-Warner amendment, every State—every State; every State; every State—will see substantially increased highway funding authorized in this bill.

Now, we brought money to the table. And I can understand how everybody now wants a chunk of that money that we brought to the table. And they should have a chunk. I came to the Senate from the House of Representatives when there were 48 States in the Union. And when I was sworn in on January 3, 1959, the two Alaska Senators were sworn in with me. There were 96 Senators, and those two Alaska Senators that were sworn in with me made 98 Senators. Later that year, the two new Hawaii Senators came in to make a total of 100 Senators.

Well, 50 States in the United States are benefiting under this amendment. I wanted to see the tide rise for every State—the tide would rise and lift the boats for all the States. I wanted to see that money taken out of the trust fund and spent for highways and bridges in all 50 States.

And I wanted the people of Appalachia, who have waited 32 years, to see their boats rise. I wanted to see a consistent, secure source of funding for those Appalachian highways. Appalachia consists of 13 States, 200,000 square miles, 22 million people in Appalachia. We are all concerned about helping the disadvantaged and minorities.

Well, here is a whole region of people, stretching from southwest New York down the spine of the Appalachians into northern Mississippi and Alabama, people who have been disadvantaged. Yes. We are also a minority in some ways, a minority of people for whom the general prosperity of the Nation has not been fully enjoyed.

I was here when Congress passed the legislation authorizing the Appalachian Development highway system in 1965. For the entire Appalachian region, 78 percent of the highways have been completed—78 percent. In West Virginia, only 74 percent of the Appalachian highways have been completed. West Virginia is the only State among the 13 States that is wholly within Appalachia.

The people of Appalachia have been promised this a long time. It, too, is a part of the Nation.

So, out of the roughly $26 billion in our amendment, yes, $2.5 billion is for Appalachia. Not just for West Virginia, but the 13 States of Appalachia. I am proud of Appalachia, proud to be a West Virginian. I asked for only a small portion, $2.5 billion, for the 13 Appalachian States, and all the rest of the money that I helped to bring to the table can be spread throughout the 50 States.

Every State—every State—will see substantially increased dollars as a result of this amendment. Moreover, Senator DOMENICI's participation in these negotiations has given rise to an understanding that additional outlays will be found through the budget resolution to enable the Appropriations

Committee to fund these additional authorizations.

I thank Senator DOMENICI, who brought his considerable expertise on budgetary matters to the negotiating table. Here is a little bit more about Appalachia. I have already spoken about Appalachia, but I will read it. It won't take long.

Regarding the Appalachian Development Highway System (ADHS), I have worked long and hard to secure contract authority authorizations for the program in the new highway bill.

Let the States in Appalachia draw down contract authority from a reliable source of funds and complete their system, and in doing so, they, too, will lift all the books of the Nation.

In January of 1997, over a year ago, I visited the President in the Oval Office and urged him to include contract authority authorizations for the Appalachian Highway System in his ISTEA II proposal. He expressed his support for my position and, subsequently, did include $2.19 billion in contract authority in his ISTEA II proposal.

Under the agreement that has been reached, authorizations of contract authority for the Appalachian Highway System will result in a total of $2.19 billion in authorized contract authority over the six years, 1998–2003. This is the same amount as requested by the President, a compromise which I am willing to accept.

Let me emphasize that these funds will not be earmarked in any way. They will be allocated to the states on the basis of the mileage yet to be completed and on the cost to complete that mileage.

At markup the day before yesterday, the Environment and Public Works Committee utilized the new resources that were agreed to in the negotiations to satisfy the concerns of several other members from several other regions of the country. The amendment includes additional authorizations for the donor states, for parks and refuge roads, and for a new "density" program.

As I say, each of us would like to have more in this bill. I don't watch TV very much. I am very selective about what I watch on that magnificent medium, but I do watch these presentations that come along from time to time that show us what is happening out in animal country. I see a group of animals chasing another animal. I see the powerful lion, a herd of lions, and they are stalking, stalking, stalking a poor gazelle, a zebra, or some other animal. Finally the lion—ah, the king of beasts!

I remember the old fable in which a fox and a lion were having a discussion, and the fox said, "Look, I have many whelps, and you have only one." The lion answered and said, "Yes I have only one, but that is a lion."

The lion closes in for the kill. The lion attacks the victim, and then all the other lions rush in and seize a share of the kill. They want in on the kill. That is like it is sometimes in politics.

I hope that with the adoption of this amendment the Senate will move rapidly to debate the remaining amendments to the bill so we can ensure the earliest possible opportunity to send a comprehensive 6-year transportation bill to the President. I remind my colleagues that, including today, there are 33 sessions remaining through May 1. Come the stroke of that clock, 12 o'clock midnight on May 1, no State can obligate an additional dollar for highways. We have to move rapidly to adopt a highway program. We must remember that our colleagues in the other body have yet to act on a 6-year highway bill. With the breaking of this logjam, I hope our colleagues in the other body will move expeditiously to pass a robust multiyear highway bill that meets or exceeds the levels authorized here today so that the authorizing committees can get to conference and send a bill to the President prior to May 1.

Before I yield the floor, I want to thank sincerely our minority leader, Senator DASCHLE, who carefully monitored our progress and supported our efforts. Again, I thank my principal cosponsors, Senators GRAMM, BAUCUS and WARNER. We did not allow ourselves to be divided in this effort, and the level of funding in this amendment reflects the success we enjoy by remaining united.

Finally, let me thank Senators DOMENICI and CHAFEE, two fine committee chairmen, who are equally able today as allies as they were as adversaries at an earlier time. This is an important bill to you who are listening and watching via television and radio. This is for you and it is for your children—your children.

An old man traveling a lone highway
Came at evening, cold and gray
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim;
The sullen stream held no fears for him.
But he turned, when he reached the other side,
And he built a bridge to span the tide.
"Old man," said a fellow pilgrim standing near,
"You are wasting your strength in building here.
Your journey will end with the passing day,
And you never again will travel this way.
You have crossed the chasm deep and wide;
Why build you a bridge at eventide?"
The builder lifted his old gray head.
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way.
This chasm, which was but naught to me,
To that fair youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him."

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I know the time is running out on the debate on this major amendment, the amendment that is in the nature of a substitute. But I wanted to take about 5 minutes and express my views about it.

Frankly, it is common knowledge around here that I was not in favor of moving quickly with the ISTEA bill. But clearly, we are ready now. We have had ample opportunity to discuss how much money is coming into the trust fund from the 4.3 cents, how much contract authority ought to be obligated to use it up during the next 5 years. Part of that would be in 1998. So it is a 6-year cycle. We arrived at a conclusion that is pretty clear and pretty close to fair, in my opinion. In fact, I think it is about as well as we can do.

America needs highways. The U.S. Government has a lot of programs it is involved in that are not its responsibility. But there is no question that it is the responsibility of the Federal Government to appropriately handle the gasoline tax money and to let our States build roads with it. So, in a very real sense, it is a very high priority, because for many things that we spend money on, we are not, in a sense, as trustees, obligated to spend money for those things. And there are scores of them.

So I have come to the conclusion that the dollar number of $173 billion as the total expenditure over the next 5 years is a right number, consisting of the gasoline tax of 4.3 cents which used to be in the general fund and is now in the trust fund. I believe it is going to help our States in many ways, and I think in many parts of the United States it is going to provide some very, very healthy employment where it is needed.

In addition, it seems to me that the chairman of the Committee on Environment and Public Works, with the able assistance of Senator BAUCUS as its ranking member, and the entire committee, all of whom have voted in favor of this amendment, have put together a very good cross section of the kinds of things we need in these changing times to carry out our responsibility with reference to this gasoline money and get some national programs that are necessary and put as much of it as we can—91 percent minimum—to every State, as I understand it, in return for their dollars so that they can begin this process of gearing up to build more roads. And they will take a little while for that. This is a very big increase. They are not going to be able to start next month with a maximum effort in this program. It will take the rest of this year and part of next year before it is actually built up to the maximum.

But I think the American people, probably on more than anything else we are going to be voting on around here—a broad cross section, not a little special interest or a sliver of our society, but a very broad cross section—want more roads, if we have gasoline tax money to pay for them. And many States have put their own gasoline tax on it and are even doing more.

There is nothing more frustrating for the people in my home State in a growing city to find out—already when we are not even 1 million in population—that their roads are clogged, the freeways are not working, and nothing causes them to wonder more what is going on in terms of planning and appropriate expenditure of resources. We are about to say to them that I think this is about as good as we can do, with all of the competing interests. This is about as fair a program for all of the sovereign States and for the kind of special highway research and the like that is necessary.

So from my standpoint, I am on the amendment. I wasn't on the original Byrd-Gramm amendment. We had some very lengthy debates trying to arrive at the right dollar number—we did—that permit me in good conscience to say that we have a good bill. There are some very legitimate questions. And, if there were Senators here, they could probably ask me, with some degree of difficulty—and I would have some degree of difficulty answering them—that is, since every year we put in an appropriated amount for these highways that comes within the annual cap that we must live with, the annual total domestic program spending, how are we going to add this to the entourage of American programs that exist and still meet that cap when we didn't contemplate this program?

Let me repeat, I see no difficulty doing that for the next year. We have to find just a little over $1 billion to accomplish that purpose in the first year. It grows a little bit, because contract authority is slow to spend, and it will get bigger. In the fourth and fifth year, it will be bigger, and then well beyond the caps that will be spent. But caps won't be around in the last year of this expenditure. Nonetheless, I believe that since this is so vitally important, that we will find the wherewithal to meet our caps—that is, meet our total domestic expenditures—and, yet, be able to fund this program.

If some Senator, insisting on knowing precisely what program would be constrained, cut back or eliminated in order to pay for it, I wouldn't be prepared to tell you that. But I am prepared to tell you that the Budget Committee will have to do that. It will make some recommendations on how we pay for this program and maintain the authenticity and variety of our caps where we believe that our balanced budget will be a balanced budget. I think we can get there.

I thank everybody who participated, and all who have joined today in this amendment can say they were part of the original amendment which pushed this forward. And I have no quibble with them. There were a lot of Senators on that—not quite as many as the proponents would have liked. I had a little bit to do with that. I asked some not to go on so that we could make an agreement. I hope they are not feeling put upon, having waited and now to be able to vote for this bill and be on it. I don't like to do that, but I sort of thought it would be better for everyone if we slowed up a little bit. And it turned out well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we spent a good deal of time this afternoon without any action on the floor, in quorum calls. We want very much to get on with this bill. People ought to bring over their amendments. If they have problems—as you know, we are just dealing solely with the so-called Chafee amendment, which is the major amendment dealing with the increased financing for a whole series of programs. I see no reason why we should not go to a vote. No one has brought over any amendments. Nobody is proposing anything here on the floor. We have worked out the ones who have. We have worked them out. Others say they are going to get together. They may be along. It is all very indefinite. I see no reason why at a quarter of 3 we should not have a vote.

So, Mr. President, that is the tilt I have, because I want to get on with this bill. There are other lengthy amendments after this. This is not the last amendment by a long shot. There are other amendments that we have to consider. We have one involving disadvantaged business enterprises and a whole series of others. There are some 100-plus amendments out there. Clearly, hopefully, they are not all going to be brought up, but we ought to get on with this. If people have problems, come on over here.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I chime in with the remarks of the distinguished Senator, chairman of our committee, Senator CHAFEE, and encourage Senators who do have amendments on this underlying amendment to come on over. I am going to encourage the chairman to go to a final vote on this amendment in the next 25 minutes, by a quarter of 3. Senators have had more than ample notice all day long, certainly this afternoon, and having heard from the chairman and from myself, all the offices around, they have about 25 minutes to get here. That is more than fair. I think it is, frankly, in fairness to other Senators who want to get on with this bill, move on with it—it's in fairness to them that we vote by a quarter to 3 on this final amendment. Unless Senators come to the floor with their amendments where we can work out some kind of time agreement in some expeditious manner, I really strongly encourage the chairman to vote at quarter to 3 if there are no pending amendments.

Mr. INHOFE. Will the Senator yield?

Mr. CHAFEE. Yes, to the Senator from Oklahoma.

Mr. INHOFE. I share the frustration of the chairman and ranking member. I advise them I have an amendment which is at the desk. Everything has been worked out with the minority, majority, EPA. In a very few minutes I would like to set aside any business to take that up. It should be a very short amendment and should be voice voted.

Mr. CHAFEE. I agree with the Senator from Oklahoma. He has worked with us, starting last night. I just finished a conversation with the Administrator of EPA. The Senator and the Administrator have worked out their problems. Certainly it is something I can accept, and I will have an opportunity to discuss it with the ranking member, and I am confident he will find it acceptable, too. That's what we want to do. Let's get on with these things. The Senator from Oklahoma has been over here.

I just want to say to the Senator from Oklahoma, as soon as we get his worked out then we will move to set aside this and see if we can't dispose of his amendment quickly.

The Senator from Florida?

Mr. MACK. I just want to address myself to comments that were made by Senator LEVIN a little earlier with respect to, frankly, those of us who are considered donor States. We are still looking for more information. I understand from your point of view we have all the information that there is to have, and we ought to have sufficient data to make decisions about where we are on this amendment.

I would say to the distinguished Senator that last evening several of us met with our staffs, going over, asking questions about what the impact of the amendment would be to our individual

States. There was no clarity last night. We called and asked for a meeting this morning with individuals from the highway department, to come down and go over the data with us. They did so this morning. We asked for additional information. They are working on getting that information back to us. We hope sometime this afternoon that information would be available to us. We will then be in a better position to evaluate just exactly where we are.

I must say, maybe it is because I am dealing from a position of real extreme frustration, representing a State that we believe under the old proposal had about 77 cents back for what we had contributed in the past, in the last year. I remember the debates and the discussions that we had 5 years ago, kind of saying, "This is never going to happen to us again," that is being a donor State to the extent that we have been.

So we are concerned and we do not feel that we have enough data to make a decision. We think it is unfair to say, let's just go ahead and move this amendment at this time. We do not have, and have not had, the time that you all have had over these last several months to be working on this bill. We have this opportunity now to try to evaluate what the amendment does. We are making a reasonable request. We are not trying to delay the bill. So, I ask the amendment be set aside until we have an opportunity to get this information and we can then discuss how we proceed.

Mr. CHAFEE. I say to the distinguished Senator from Florida, I would be very reluctant to set this aside. It has been my experience in this place, once you set it aside, if we had 10 problems now, we will have 30 problems by tomorrow as everybody's staff gins up more problems in response to the legislation before us.

I don't know——

Mr. BAUCUS. Will the chairman yield?

Mr. CHAFEE. Yes.

Mr. BAUCUS. Maybe one solution here—there is no perfect solution. Maybe one solution might be to vote on this amendment, and Senators who have concerns about this amendment can state them, that is, they are voting for it kind of on reservation or something like that, pending information that they get, and reserve the opportunity to offer amendments at a later time. I say that because this amendment, I suspect, is going to pass. Therefore, that will have passed and we will be done with it. Then we can still address the concerns that the Senator from Florida may or may not have, and having passed this amendment doesn't put him in a disadvantageous position.

Mr. WARNER. I think in our discussions you intended a voice vote.

Mr. BAUCUS. A voice vote would be more helpful to the Senators who do not know.

Mr. WARNER. I think the senior managers of the bill would be willing to accept that.

Mr. CHAFEE. You guessed it right.

Mr. WARNER. Then the bill is open for amendments throughout the course of further deliberations.

Mr. MACK. Again, I appreciate the response. I understand. Each of us has had the opportunity to manage a bill. We know how we want to keep that bill moving. The longer it lays out there, the more difficulties it attracts. So I understand the concerns of the managers.

Give us a few moments, those of us who are the donor States, an opportunity to take a look at this and see how we might proceed.

Mr. CHAFEE. If the distinguished Senator from Florida is talking about a few moments, he is stirring my heart.

Mr. MACK. We might have a several-hour debate on what the definition of "moment" is.

Mr. CHAFEE. We all know what "moment" means. If you want several moments, you go to it. As of now, I'm saying everybody come on over here with their amendments, all individuals come with their amendments, and hopefully we would like to have a vote by a quarter of 3. But because of the urging of the Senator from Florida, a few moments will get us along for a while.

Please, all I would say to the Senator from Florida, a few moments really doesn't mean a meeting at 6 o'clock tonight.

Mr. MACK. I understand.

Mr. LEVIN. Will the Senator from Rhode Island yield for a moment?

Mr. CHAFEE. Yes.

Mr. LEVIN. I think what the Senator from Florida is saying—I concur—is we would be able in a few moments to know whether the suggestion of the Senator from Montana would be acceptable to us, and that could literally be in a few moments, and then we could have a voice vote promptly, and then, with the understanding set forth and the suggestions set forth by the Senator from Montana, be able to consider the data which we expect later on today at a later time.

Mr. CHAFEE. You have a few moments. Come on back and see us in a few moments. Let's all agree that a few moments isn't very long.

Mr. BAUCUS. I would like to, if I could, quantify a little bit what a few moments means. Can the Senators tell us that a few moments means no more than 15 minutes?

Mr. MACK. We might debate this issue for an hour or two——

Mr. BAUCUS. At least let us know in 15 minutes whether you can accept.

Mr. MACK. It was indicated a little earlier that there would be maybe 25 minutes. I think our definition of "moment" would fit within that range.

Mr. BAUCUS. We have used up about 10 minutes of it.

Mr. CHAFEE. All right.

Mr. BAUCUS. OK; 25. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, as I previously announced, we want to get on with this legislation. It is my intention that at 3 o'clock, I will ask unanimous consent that amendment No. 1684 be agreed to, the motion to reconsider be laid upon the table, and the amendment be considered as original text for the purpose of further amendment.

I ask unanimous consent that Senators WYDEN and SESSIONS be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is the intention to seek a voice vote; we want to make that clear.

Mr. CHAFEE. Yes, it will be my intention, as I say, at 3 o'clock to proceed with a voice vote on the amendment.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. In the interim, if Senators wish to talk on this subject or others, I will reserve the time at 3 o'clock to proceed with this unanimous consent request.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. Yes.

Mr. LEVIN. I want to say to the Senator that this is acceptable to this Senator as a way of proceeding, so we can preserve our rights after we get the material we have been waiting for to determine whether or not we wish at that time to offer amendments relating to the subject we discussed this morning. I thank my good friend from Rhode Island.

Mr. CHAFEE. We, obviously, hope the Senator will not have an amendment, but should he have one, we shall be delighted to receive it.

Mr. WARNER. Mr. President, if I might, Senator MACK wishes to associate himself with the remarks of the Senator from Michigan. He was very active in the discussions on this, as was the Senator from Michigan. So we thank them as a group speaking on behalf of the donor States. I have been one of the major spokesmen for donor States, and I am glad to have the assistance of my colleagues.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senators on the floor who are concerned about protecting their rights, and I thank them for being so accommodating. We have worked out an arrangement where we can move forward with this bill and, yet, they can still protect their rights and offer amendments if they so choose. I thank them.

It is my understanding, Mr. President, the Senator from Michigan would like to have a colloquy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would like to have a colloquy, if my good friend from Montana is able to do it at this time.

Is it the intent of this bill, assuming this amendment is adopted, to return to the States 91 percent of their share of contributions to the trust fund or 91 cents of each gas tax dollar sent to the highway trust fund?

Mr. BAUCUS. I say to my friend, of the amounts apportioned to the States, the goal is to give States 91 percent of their percent share of contributions to the highway trust fund.

Mr. LEVIN. So, it is not true, then, because of various administrative, research and special funds set aside and not distributed to all the States, that the total dollars returned to each State would be less than 91 percent of its contributions to the highway trust fund highway account?

Mr. BAUCUS. The Senator is correct. However, let me make an important point. In the underlying bill, 10 percent of the money is used for things such as research, emergency relief for natural disasters and administrative costs. That 10 percent is not counted in the calculation of the State's share. But this is not a new concept. These are national programs. It is the approach that has been taken in the previous ISTEA program as well. It is not new. In the amendment, I say to the Senator, we have given Michigan actually a better deal.

In this amendment, we calculate the dollars needed to give you a 91-percent share. This calculation, for the first time, includes other programs. Included in the calculation under the amendment are the additional amounts apportioned to the States, that is $18.9 billion, plus the $1.8 billion in the new density program and the $1.89 billion in the Appalachian highway program. The result is that 91 percent is now calculated on a larger universe of funds than in the underlying bill.

Mr. LEVIN. I thank my friend. Just to be clear, the 91-percent share does not assure a minimum 91 cents back on each dollar sent to the trust fund; in terms of cents on the dollar guaranteed, a 91-percent share is going to be less for each State, as it always has been, than 91 cents on the dollar.

Mr. BAUCUS. The Senator is correct.

Mr. LEVIN. I thank my good friend and yield the floor.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I ask unanimous consent that the amendment No. 1684 be laid aside until 4:10, at which time it would then come up under the prior arrangement that we had.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, the Senator from Oklahoma has an amendment.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1687

(Purpose: To ensure that the States have the necessary flexibility to implement the new standards for ozone and particulate matter)

Mr. INHOFE. Madam President, I have an amendment at the desk, and I ask for its consideration.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. INHOFE), for himself and Mr. BREAUX, proposes an amendment numbered 1687.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE .—OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards";

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relevant areas. Only data from the monitoring network designated in section 2(a) and other federal reference method $PM_{2.5}$ monitors shall be considered for such designations. In reviewing the State Implementation Plans the Administrator shall consider all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted. Notwithstanding the previous sentence, the Administrator shall promulgate such designations not later than Dec. 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) the Governors shall be required to submit designations of nonattainment areas within two years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designations required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1–3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

Mr. INHOFE. Madam President, we have had an amendment and actually have had a bill to address a problem that many of us are concerned with having to do with a change that was proposed by the Administrator of the EPA in November 2 years ago. This made dramatic changes in the standards for particulate matter and for ozone.

We held extensive hearings. As chairman of the Clean Air Subcommittee, we had seven hearings on this bill. It has become very controversial. The Administrator of the EPA has set the standards. After having gone through the process of the hearings and the process of the comment periods, it is now set. However, in the memorandum of implementation by the President, we have a time guideline for the implementation of these standards. Let me repeat that. The standards are set in both particulate matter and in ozone but not yet implemented. The implementation period provides for certain periods of time for establishing a PM monitoring network for collecting data for Governors to recommend areas of designation for the EPA to designate new nonattainment areas, and then for the States to submit State implementation plans. That would be true on both ozone and particulate matter.

What we are attempting to do with this bill is to take these guidelines to make sure that they are in order and that everyone has ample time to carry out what has to be done in order to implement these standards. That would require a period of time.

So what I have done with this amendment is take the memorandum of implementation from President Clinton and put that down into periods of time as he recommends, and we are adding that as an amendment. Obviously, this is germane to this bill because if we are to find ourselves out of attainment, it would dramatically affect the ability of the States to be able to have their transportation funds.

So with the following three exceptions, this amendment only puts into the bill the time guidelines that we have all agreed to. It has been signed off on by the minority and the majority and the EPA.

The first one is an area that does not affect time lines. It has to do with fully funding. This is a conscientious concern. However, the States have talked to us through the Governors associations, U.S. Conference of Mayors, the counties, and the rest of them saying that what they don't want to have is an unfunded mandate whereby they would have all of these obligations to monitor the PM and go through all of this and not have it funded. This portion of the amendment, section (2)(a), requires that the EPA absorb all of these costs.

The next area is one that meets a problem that mostly concerns the agricultural community throughout America; that is, their concern with how they will be treated. Section 2(e) says that this study would take place that would address the concerns of farmers who believe that they will be targeted for PM 2.5. And we talked about PM 2.5. We are talking about 2.5 micrograms as opposed to the current 10 and emissions larger than 2.5.

This is their concern. Everyone has agreed that this is a legitimate concern that the farmers of America have, and we are accommodating them.

The last section that does not affect just the timeline is section 4 where it says:

Nothing in section 1–3 above shall be construed by the Administrator of the Environmental Protection Agency or any court, State, or person to affect any pending legislation.

There is some pending legislation.

I would like to add that I had a conversation with Administrator Browner, and we have had many nice conversations. While we have occasionally disagreed philosophically on some things, I did agree with her that if this amendment passes and survives the conference, passes and then is signed into law, I have no intention of bringing up any other legislation or amendments affecting the national ambient air quality standards; that is, barring anything totally unforeseen. I can't imagine what that would be.

Mr. President, my amendment today addresses the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. As you know, I have been a vocal critic of the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. My subcommittee has held extensive hearings on both standards, and I am convinced, based on the record developed in those hearings, that those standards are not needed to protect the health of our citizens, or our environment, and that the implementation of these standards will impose huge costs on the country, that are completely unjustified. For these reasons, I have sponsored legislation that would require EPA to reconsider these standards, before they are implemented.

I rise today to pursue a narrower objective. The administration has announced an implementation plan for both standards. However, a number of concerns have been raised about EPA's ability to implement this plan under the Clean Air Act. One key concern has been whether EPA can hold off on designation areas as not meeting the new standards—i.e., as nonattainment areas.

With regard to PM 2.5 (the new Particulate Matter standard), three years of federal reference method monitoring data are necessary to designate areas, and a monitoring network—funded by EPA, not the states—needs to be put in place to generate these data.

With regard to the ozone standard, EPA needs to develop guidance on nonattainment boundaries, before the designation process can even begin. EPA says that this guidance will be available in 1999, but, the states still must submit their recommended designations to EPA this July unless something is done.

The amendment I have offered is designed to address these concerns by giving the Agency clear authority to proceed with the schedule announced by the President last July. I am offering it because I believe it would be unacceptable for the Congress to allow a situation to develop where uncertainty about EPA's legal authority could result in confusion and chaos.

I caution, however, that this legislation does not affirm the standards. Whether those standards are lawful, appropriate, and necessary is still an open question that is being considered by the Courts. We can't realistically expect this question to be answered in a year or more. This legislation is designed to assure that the agency has clear authority to proceed with its implementation schedule, while the very important questions about the legitimacy of these standards are still debated.

This legislation addresses only the timing of attainment designation under the President's implementation plan for these standards. EPA recently proposed to order the states to develop plans, that, among other things, would require reductions in inter-state emissions that might be contributing to exceedances of the 8-hour ozone standard. A number of legal and factual objections to this proposal have been raised by states, industry, and others. Since this is only a proposal, I have not addressed in this legislation EPA's authority under the Act to require any reductions before state plans are developed after areas have been designated.

I thank very much Senator BAUCUS, Senator CHAFEE, and Administrator Browner, as well as some of the staff: Chris Hessler, Jimmie Powell, with whom I worked closely, Barbara Roberts, and Tom Sliter. They have been very cooperative and very helpful in bringing this to the point where we are today.

At this point I yield for questions.

Mr. CHAFEE. Madam President, I rise in support of the amendment which has been offered by my colleague who is the chairman of the Clean Air Subcommittee of the Environment Committee. He has identified some important concerns about the implementation of the recently revised so-called National Ambient Air Quality Standards.

This is a very complicated area. The Senator from Oklahoma has invested a good deal of time and energy studying this and educating our committee about it. His subcommittee, as he mentioned, held seven hearings on the subject here in Washington and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to, as he noted, a successful conclusion.

I want to applaud the Senator from Oklahoma for his efforts both on this amendment and on the larger issue of the NAAQs rule. He has invested a great deal of energy and time in studying this complicated matter and educating the Environment and Public Works Committee about it. His subcommittee held seven hearings on the issue here in Washington, and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to a successful conclusion. His efforts and patience have served us all well because the amendment before us will improve the implementation of the NAAQs.

This amendment seeks to ensure that commitments made last year about how the standards would be implemented are upheld. The Environmental Protection Agency said it would cover 100 percent of the costs associated with installing and operating the new monitors needed to measure fine particulate matter. Having made the promise, the federal government must ensure that it is kept. This amendment would do that.

The amendment would also require three years of data collection before planning starts for additional pollution controls. The EPA has decided that it needs three years of data to ensure that chronic sources of particulate matter are accurately identified. Complete data will enable states to develop appropriate control strategies. Reducing PM 2.5 is important to the public health but we must be sure that new controls are used where they are needed. Without sufficient monitoring data, we will not be certain the right sources are targeted for controls, and we may not achieve the improved air quality or the health benefits that we are seeking.

Along the same lines, we need to be sure we can chemically distinguish one type of particulate from another. That is the only way State air officials will know if they need to reduce pollution from wood stoves or power plants. This amendment requires a field study of the monitors to ensure that they are serving this purpose effectively.

The EPA promised the States that they would have both the resources and the information necessary to implement the NAAQs rule. Through this amendment, the Senator from Oklahoma is attempting to enforce those commitments.

All of the goals of this amendment are worthy and reasonable and I urge everyone to support it.

Essentially what the amendment does is the following: There have to be monitors set up to measure particulate matter and ozone levels and other matter. The question is, Who is going to pay for these monitors? Is it going to be the Federal Government? The Administrator indicated it would be the Federal Government, but there seems to be some backing off from that.

The amendment of the Senator from Oklahoma says that the Environmental Protection Agency would cover 100 percent of the costs of installation. You have to install these things and operate them. You have to go out and check these new monitors to measure the fine particulate matter.

That is the first thing the Senator has accomplished in this amendment. That is a very welcome provision because the State budgets are having trouble keeping up with the requirements of the Clean Air Act.

The other part of his amendment would codify the requirement under the National Ambient Air Quality Standards. That calls for 3 years of data collection before there can be a designation of nonattainment for this particular part of so-called particulate matter. So, the EPA has decided that 3 years of data are necessary to ensure that chronic sources of particulate matter are accurately identified. As I understand the amendment of the Senator, it requires 3 years. Am I correct?

Mr. INHOFE. That is correct.

Mr. CHAFEE. So, this is a difficult area. The assurance that the Senator from Oklahoma has put in, dealing with both the period and also who is going to pay for these monitors, is a good one. We are glad to accept it on this side.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is a happy day, because it was not too long ago here that, after the EPA announced new standards for ozone and small particulates, there was going to be a huge uproar in the Senate and there would be a big battle over whether or not the EPA should be allowed to go ahead with these new standards.

Frankly, however, as Senators have looked at this issue—and I take my hat off to the Senator from Oklahoma, Senator INHOFE, who has come up with this amendment—the effect of this amendment is not to delay those standards and not to in any way impede those standards, but rather set up a procedure which helps, frankly, assure the process will continue on a fair basis; namely, that the monitoring costs—and they will be quite extensive; that is monitoring the air in various parts of the country, particularly nonattainment areas—will be paid for by the Environmental Protection Agency. That is not by States. The States will be fully reimbursed for their monitoring costs. So that helps establish a solid program because we know where the money is going to come from and it will be fully paid for.

A second major change here, at least a clarification, is that States will not be faced with new nonattainment designations under the Clean Air Act for PM 2.5—that is the small particulates—without 3 years of monitoring data. That at least makes sense, that we have 3 years of monitoring data. In fact, the EPA-proposed standard was based on a 3-year average anyway. So as a practical matter, this is a measure which will help assure that the standards will be addressed fairly, comprehensively, and also in a timely manner. So this version of this amendment, unlike earlier versions that had been filed, does not delay implementation of the new air quality standards.

This version also has no language in it which revokes the standards. There was some concern that these standards might be revoked. That is not in here. Also, there is no provision that proposes a moratorium on EPA.

In short, the new standards will go forward as envisioned. I might say to Senators, this is a long, involved process. It could take 10, 12 years before some of these standards actually ever go into effect, if they ever do. If they do go into effect, they are at the behest of and designation of States. That is, States, under what is called State implementation plans, would designate what actions various entities, whether they are powerplants or automobiles or what not, would have to do in order to qualify. And that would take a long time.

So I finish where I began. This is a happy day. This is a resolution. It is a compromise. And I think it is going to help people be more assured, on a more solid, fair basis, that our air will be cleaner in those parts of the country where it needs to be cleaned up. I think it is a good amendment, and I thank the Senator very much for his amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. CHAFEE. I would like to extend the thanks of all of us to the Senator from Oklahoma, Senator INHOFE, because he was willing to compromise. He talked with the Administrator of EPA, Ms. Browner, several times. I did, too. He was willing to give. He did not demand it only be his way. It was a successful compromise. I congratulate the Senator.

Mr. INHOFE. I thank the Senator from Rhode Island. I further ask unanimous consent that Senator JEFF SESSIONS be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, if I may, I would like to briefly inquire with my colleague how his amendment will affect areas of my state.

It is my understanding that this amendment will not in any way interfere with or delay efforts currently underway by EPA and various states to address the issue of pollution transported across state lines. Is that correct?

Mr. INHOFE. Yes, that is correct. The amendment is simply designed to provide greater certainty for states, small businesses and consumers regarding control strategies for the new ozone and particulate matter standards.

Mr. SANTORUM. Mr. President, this amendment codifies a time line for the Administrator to promulgate final designations under the new ozone and PM standards. Is it the Senator's intention that areas in violation because they are heavily impacted by dirty air from other states should be "held harmless" in the interim period or not be penalized with more air-pollution controls by being "bumped up" to a higher nonattainment status?

Mr. INHOFE. That is my intention. Should this not be the case, we would have to revisit this issue legislatively.

Mr. SANTORUM. Mr. President, I rise in support of the amendment offered by my colleague from Oklahoma, Senator INHOFE.

The Senator's amendment will ensure that federal funding is available to construct and operate a nationwide monitoring system for fine particles, and it will allow future designation decisions to be based on three complete years of monitoring data. The amendment would also provide Governors with two years to consider regional transport issues prior to submitting new ozone redesignations.

This amendment will not, as some opponents may contend, roll back or delay the new standards. On the contrary, the amendment does not change the new standards and adheres to the President's own time table for achieving them. In fact, this amendment may actually strengthen the new standards by establishing a legally certain schedule for putting them into place. Moreover, this amendment is critically important because it will make sure that future Clean Air Act designations will be based on actual air quality data rather than guesswork and extrapolation. In view of the anticipated costs associated with meeting the new standards, we must take this very simple step.

Last summer, when the President announced new air quality standards for soot and smog, he also promised that the Federal Government would work closely with states and local communities to implement these standards in a fair, flexible and cost-effective manner. For many communities in Pennsylvania, the imposition of new standards has been a very bitter pill to swallow, but the promised implementation plan has offered a spoonful of sugar to help the medicine go down. While the President's pledge has been appreciated, it is my view that this amendment is necessary in order to give states and communities reassurance that the promised implementation plan will be followed. Thank you, and I urge the adoption of this amendment.

Mr. BYRD. Mr. President, I am pleased to be a cosponsor of this amendment, and I wish to thank my colleague from Oklahoma, Mr. INHOFE, for his efforts in this regard. These new rules, which modify the ambient air quality standards for ozone and particulate matter, would severely impact West Virginia. Up to ten counties in my home state might be thrown into nonattainment under these rules, and a large number of industries might be adversely affected, including chemicals, construction, steel production, glass manufacturing, coal-fired utility power plants, pulp and paper mills, and commercial trucking.

On a national level, the impact of these rules is even greater, with early estimates from the President's Council of Economic Advisors that these rules might cost $60 billion annually. Many major urban areas have not yet complied with the current ozone standard, and are not even close to being able to do so. These urban areas have not even completed their plans on how they will comply with the current standard. Basic logic would dictate that these states should first finish these plans, and enforce the current standard, before moving on to even more ambitious proposals. Instead, these states must constantly revise their air plans, even while never completing those plans. As I stated in an earlier letter to the Environmental Protection Agency (EPA), these states are trapped in the clean air version of the perpetual motion regulatory machine, where replanning becomes as important as actual implementation and enforcement.

In the area of particulates, there is almost no national monitoring data, and there is weak scientific and technical support for the rule. The EPA and the environmental community refer to a small number of studies that support the rule, but there is room for serious debate about whether a clear connection between PM 2.5 and health-related problems has been established.

The amendment before us is actually quite modest in its goals, and unfortunately does not address many of these broader problems with this air rule. The amendment codifies promises made by the Administration with regard to the time schedule to implement the new rules, and also codifies provisions for funding a nationwide network of monitoring stations for particulate matter. The Administration's proposed time schedule is not legally binding, and this amendment will ensure that the EPA cannot later alter the terms of the implementation package that it has offered to state governments.

Despite these modest goals, this amendment holds the EPA's feet to the fire, and will ensure that promises made to the states will be honored. I am pleased to cosponsor the amendment offered by Senator INHOFE, and ensure that promises made to West Virginia are promises kept by the EPA.

Mr. CHAFEE. We are prepared to vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. If I might beg the indulgence of the chairman of the committee, I understand the Senator from California, Senator BOXER, might want to speak on this amendment. She is looking at it at the moment. I suggest if procedurally we can do that, we ask consent this be temporarily laid aside so Senator REID can speak. He may have an amendment here, too. I do not expect a problem, but I, in good faith, must tell the Senator I am informed Senator BOXER would like to have the opportunity to perhaps speak on this amendment.

Mr. CHAFEE. That is her privilege.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. INHOFE. Will the Senator yield? Would it be a good idea to go ahead, rather than set it aside, and recognize the Senator from Nevada? It may be ready at that time.

Mr. BAUCUS. That's probably a better alternative, that we keep talking on the amendment and Senator REID can keep talking, too.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Nevada is recognized.

Mr. REID. I say to the two managers of the bill, I do have an amendment. I understand it has been reviewed thoroughly over the last several days by the staff and it is acceptable. If there is adequate time, I would be happy to speak on the bill also now.

Mr. BAUCUS. I might suggest you speak on the bill and/or your amendment. Once this amendment is disposed of, then we can vote on your amendment. Either way.

Mr. REID. Mr. President, I have an amendment. I will send it to the desk. Is there an amendment pending that needs to be set aside?

The PRESIDING OFFICER. There is an amendment pending.

Mr. REID. I ask unanimous consent that that be the case.

Mr. BAUCUS. I ask consent the Senator speak on his amendment. The Senator from Oklahoma—speak on your own amendment. We will dispose of the Inhofe amendment, and then——

Mr. REID. If we set aside the amendment of the Senator from Oklahoma my statement on my amendment will only take a minute.

Mr. INHOFE. Will the Senator from Nevada yield? Is it the Senator's intention to have an amendment on my amendment or speak on my amendment?

Mr. REID. I want to speak on my amendment. Your amendment is acceptable. I have nothing to say about your very fine amendment.

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Oklahoma.

Mr. REID. I ask unanimous consent that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

AMENDMENT NO. 1688 TO AMENDMENT NO. 1676

(Purpose: To provide support for Federal, State, and local efforts to carry out transportation planning for the Tahoe National Forest, the Toiyabe National Forest, the Eldorado National Forest, and the areas owned by States and local governments that surround Lake Tahoe and protect the environment and serve transportation)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BRYAN, Mrs. BOXER, and Mrs. FEINSTEIN, proposes an amendment numbered 1688 to amendment No. 1676.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 253, between lines 15 and 16, insert the following:

"(3) LAKE TAHOE REGION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(B) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(C) ACTIVITIES.—

"(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

"(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

"(I) capital project funding, in order to accelerate completion of the transit projects; and

"(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

Mr. REID. Mr. President, this amendment is offered on my behalf and that of Senators BRYAN, BOXER and FEINSTEIN. It has the support of the State governments of both California and Nevada, and it is an amendment that is very simple. It grants Metropolitan Planning Organization status for the Lake Tahoe basin on the border between California and Nevada.

Not only is Lake Tahoe the most beautiful place on the Earth, and it has been deemed to be such since the time Mark Twain first looked at it and said it was the "fairest place on all the Earth," locals within the basin, the Washoe Indian Tribe, and the State governments of Nevada and California, have long recognized the unique status of Lake Tahoe. But, in addition to its beauty, it is certainly one of the most fragile environments anyplace in the world. For many years the competing interests in the basin have found ways to work together to protect the famed water quality of the lake. These partnerships have been developed and are unique and have proved the notion that it is not necessary to harm the economy to improve the environment.

Mr. President, last summer President Clinton convened a Summit. He and Vice President GORE AND five Cabinet officers came to Lake Tahoe and spent 2 days. They addressed the related transportation, forest health and water quality concerns that face the Basin. Transportation was identified as one of the key areas where improvements in infrastructure could also yield key environmental benefits. MPO status recognizes the unique bi-State nature of the Tahoe basin and enhances the ability of local residents to compete for transportation planning funding.

I appreciate very much the consideration of both sides and would ask that this amendment be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, this amendment is satisfactory to this side. It is my understanding—I have talked with the distinguished ranking member—the amendment is acceptable to the minority side likewise.

We are prepared to accept it, and I congratulate the Senator from Nevada for his amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1688) to amendment No. 1676 was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the permission of the manager of the bill—if the manager of the bill would rather I speak at a later time, I will be happy to do that. I just wanted to speak on the bill if there is nothing going on in here on the floor.

Mr. CHAFEE. Well, we are waiting for the Senator from California.

Mr. REID. As soon as she shows——

Mr. CHAFEE. We want to be sure she is going to show. The Senator from Oklahoma has been very patient.

Mr. REID. Whenever you learn she is not going to come or she does come, I will be happy, with a wave of the hand, to sit down.

Mr. CHAFEE. Why don't we say you go ahead for 10 minutes and let's see what happens, with the understanding you will yield if she comes over so she can say her piece.

Mr. REID. Or if for any other reason the manager of the bill wants to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I rise as an original cosponsor and very strong supporter of S. 1173, the Intermodal Surface Transportation Efficiency Act. Both S. 1173 and the amendment adding an additional $26 billion to the bill passed unanimously out of the Committee on Environment and Public Works, a committee I have served on very proudly for my years in the U.S. Senate.

I want to also say, and spread across the Record of this Senate, what a tremendously fine job has been done by the chairman of this committee and the ranking member of this committee to allow this bill to be where it is today. It has been very hard work. Frankly, it would have been nice if we had done it last year, but we didn't. The reason we are where we are today is because of the work of the chairman of the full committee and the work of the ranking member of the committee.

The States of Rhode Island and Montana have many reasons to be proud of the two Senators who are managing this bill, but for no reason should they be more proud of their Senators than the work they have done on this bill. Their committee work has been outstanding and is certainly something that everybody in this country, not only the people from the States of Rhode Island and Montana, should feel very good about, what is happening on this floor.

Every person who is a Member of the U.S. Senate or the House of Representatives has a stake in a national transportation system that is second to none, one that meets the present and future needs of the American people. This bill is not perfect, but it is a tremendously strong bill. Moving people and goods quickly and efficiently throughout the Nation is one of the most important things we can do to maintain a strong economy. Far too much time and productivity is lost waiting in traffic.

I give an example to all. People in southern California are connected with the people of southern Nevada by I–15. I–15 is a tremendously burdened road. The chairman of the committee came to Nevada and heard testimony regarding the importance of this legislation. He heard firsthand about the tremendous difficulty we have moving people to and from southern Nevada and southern California.

Mr. President, it is no longer a question of having people come to Las Vegas for purposes of tourism. The problem is that the road is clogging interstate commerce. Vehicles, trucks moving produce, cannot move on this road. It is too crowded. This is only an example of what is happening in other parts of the country, although the problem of I–15 is magnified because of how old it is and how much repair needs to be done on it.

The original ISTEA legislation in 1991 was really the brain child of the committee chair at that time, Senator PAT MOYNIHAN from the State of New York. He did very good work. He was visionary in this bill. It changed the thrust of legislation dealing with surface transportation that had been in effect since the Second World War. The legislation in 1991 was one of the most far-reaching and innovative pieces of legislation ever produced by Congress. It laid out a road map for transportation for the entire 21st century.

Rather than focusing upon the completion of the Interstate System, ISTEA focused on connecting different modes of transportation to meet the needs of the future. I enjoyed very much working on that legislation as a Member of this committee, and I think it is some of the most rewarding work that I have done since I have been a Member of Congress.

With the exception of the Department of Defense authorization bill, ISTEA is going to be the largest money bill that Congress will take up this year. I also say, although I do not see him on the floor of the Senate today, the subcommittee chair of the Transportation Subcommittee, Senator JOHN WARNER, is a fine Senator.

I had the pleasure of serving with him when I was chairman of a subcommittee and he was ranking member. Coincidentally, I was talking with someone this morning who is a friend of Senator WARNER. We talked with some affection about the work that the Senator from Virginia does generally, but especially in this committee and this subcommittee. I commend and applaud the work of Senator WARNER in this legislation.

We have to recognize, with the exception of the defense authorization bill this year, ISTEA II is going to be the largest money bill Congress will take up this year. As such, we have a tremendous responsibility to get it right. Our economy is utterly dependent upon having a strong and vital system of transportation. The creation of this intermodal system will require all the innovative and creative thinking we can muster at the Federal, State, regional and, yes, local levels. The State of Nevada has a tremendous need for adequate highways, I say second to none.

The State of Nevada is the most mountainous State in the Union, except for the State of Alaska. We have 314 mountain ranges. We have 32 mountains that are over 11,000 feet high. We have tremendous growth in the State of Nevada. Just to give you one illustration, in Clark County, where Las Vegas is located, we need to build more than one elementary school each month to keep up with the growth of students in that area. So we have real problems.

Also, we have a State that is extremely large. Within its borders, you could place the States of New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Delaware, and then still have some left over. None of these States would touch one another, and there would still be, as I have indicated, plenty of room to cut up Virginia and use it to fill in the gaps joining all these States.

We have the additional problem that 87 percent of the State of Nevada is owned by the Federal Government. We lead the Nation in Federal ownership of land.

Nevada is also a bridge State. Hundreds of thousands of tons of goods travel across Nevada through Utah, Arizona, and to and from California. The CANAMEX route, one of the NAFTA corridors, traverses Nevada, crossing over the top of the Hoover Dam bridge. When I say the Hoover Dam bridge, that is really a misnomer. You cross right over Hoover Dam. One of the greatest bottlenecks in the country is over Hoover Dam. Traffic is lined up sometimes 5 to 10 miles trying to get over that dam, and to think of the safety involved in not having adequate transportation moving over that dam—it is unsafe. If there were an accident of some kind, it would really do extreme damage to the water supplies of southern California and the small areas below Hoover Dam. We have to do something about that also.

In southern Nevada, thousands and thousands of new people move in each month. In fact, almost 300 people a day move into Las Vegas alone. So we have rapid growth. In 1970, there were fewer than 500,000 residents in the whole State of Nevada. By the year 2000, there will be 2 million. That is the growth that is taking place in Nevada.

In 1970, there were 2.2 billion vehicle miles traveled in Nevada. By the year 2000, there will be over 12.5 billion vehicle miles traveled in Nevada. Accommodation of such growth requires innovative thinking and creative planning on the part of the State and local transportation people.

Again, talking about the State of Nevada and all that growth, I have indicated that it takes a lot of innovative thinking on the part of the State to make sure that this all works out well. It also necessitates imposing one of the stiffest State and local taxes in the Nation. We have done that. We have done it willingly, because we recognize that if we are going to meet the demands of the traffic problems in Nevada, we cannot depend only on the Federal Government. We have done our share and more.

In spite of that, Nevada needs a strong, effective Federal level of effort, and that is what this bill does. As written, ISTEA II provides a total of $173 billion for highways, highway safety, and other surface transportation programs over the next 5 1/2 years.

I hope that as soon as this bill passes out of this Chamber, the House of Representatives will take it up and get a bill back to us, so we can go to conference and get this very important bill worked out so that the departments of transportation in the 50 States know what is ahead of them. They can do their bidding, they can let their contracts prior to the bad weather happening, and go ahead and have a smooth transition. We badly need to do that.

Overall, this bill represents a 40-percent increase in funding over the original ISTEA bill some 6 years ago. With the completion of the Interstate Highway System, it is vital we turn our attention to developing multimodal transportation policies that will allow us to not only maintain the excellent infrastructure we have, but also to move forward to meet the demands of a new century.

In many ways, transportation issues of the future will be vastly more difficult than the ones of yesterday. We live in an increasingly diverse Nation, one that is no longer able to be solely dependent upon the automobile. Even in a State as vast as Nevada, a bridge State, where we desperately need more roads, we are also seriously looking at the role monorails, magnetic levitation, and other high-speed rail systems can play in our future transportation infrastructure.

I think one of the finest parts of this bill is something that Senator MOYNIHAN and I have worked on, and that is the part of the bill that deals with magnetic levitation. Yesterday, Senator MOYNIHAN brought a box that contained a model of a maglev train to the committee. In his statement, he made a plea for funding to design and implement a magnetic levitation system. We need to do that.

Mr. President, our airports are clogged all over the country; our highways are clogged all over the country. We need a way of moving people for relatively short distances, up to 300 miles. The only way we can do that rapidly and efficiently with the technology we now have is with magnetic levitation.

In the 1960s, two scientists were stuck in traffic in New York. They were MIT professors. They said, "This is ridiculous that we are stuck in traffic; let's do something about it." They went back to the laboratories and invented magnetic levitation.

We, as a country, helped at the Federal level. We provided moneys for research and development of this very unique mode of transportation. We did it for a few years and dropped it. As soon as we dropped it, Germany and Japan picked it up, and they are now way ahead of us with this. It is too bad. We are the ones who should be in the forefront of developing this mode of transportation. We need to get on board.

This bill contains an authorization of $1 billion for magnetic levitation, and it actually provides funds, up to $30 million, for some grants that will get this program going. This is very, very important, and I express my appreciation to Senator MOYNIHAN for his good work in this area.

The money that is in the bill is a modest amount to move this project forward, but it is an amount; it is more than we have ever done. There is tremendous funding in the bill for all our individual States and other areas, and I am happy we do have some for magnetic levitation. As I indicated before, this bill is not perfect. But I am proud of the progress we have made. The bill is good for all States. It is tremendously important. It is a great product for the country.

The bill before us does a fine job of balancing many of our Nation's competing priorities for transportation while giving the States the flexibility they need to expend dollars in ways that make sense, given the many regional differences we have in our country. I am supportive of the congestion mitigation and air quality improvement program and the transportation enhancement program. The additional money and increased flexibility are very positive developments. A national transportation system that does not address environmental issues is one that would not be living up to the expectations of the American people.

Other important programs, such as the intelligent transportation system program, have both a positive impact on the environment and also improve the efficiency of the highways. It is a dual track. I held, as I indicated earlier, a field hearing in Las Vegas last year focused on intelligent transportation systems, and the response was tremendous. Local governments around Las Vegas and Reno have all begun to put innovative high-tech transportation programs into place, and they are very pleased with the initial results.

I am also supportive of a strong Federal Lands Highway Program. As a Senator from a Western State—and remember, I said earlier 87 percent of the State of Nevada is owned by the Federal Government—so as a Senator from a Western State with a huge amount of public land, it is impossible to overstate how important is the vital lifeline that these road and highway funds provide to rural Americans.

I want to say a few words on safety. I support the efforts of my friend, Senator MCCAIN from Arizona, to develop a safety title for inclusion in the overall authorization. I have a strong record on safety, and in this legislation, I am very happy to support this title.

I want to spend a couple minutes discussing a safety issue that we are not addressing in nearly enough detail in this reauthorization. As the chairman and ranking member know, I have opposed triple-trailer trucks. I believe they are both intimidating and unsafe. I have, since offering my amendment on this issue—talking about moving forward on this—I have received scores and scores of letters from all over the country from people who are afraid of these trucks. I believe they are incompatible with our obligation to provide a safe network of roads and highways.

I do appreciate the input that I have received from the trucking industry. But my fear of these triple-trailer trucks is not something that I bear alone. I recognize that for a variety of reasons, though, this is not a majority view. I have been in the Congress long enough, I have served in legislative bodies long enough, to know when I have enough votes. I do not have enough votes to have my amendment adopted. I am not going to go forward with my amendment because, I repeat, I do not have the votes to pass it.

Many of my colleagues argue there is just not enough accurate data available to make an educated decision on this issue. Although I would counter that mere common sense should dictate that triple-trailer trucks do not belong on the same roads as a passenger car, I agree that there is an appalling lack of data available on this subject. Information given out by the trucking industry is unreliable and people cannot underscore the validity of it because it is put out by the trucking industry. What we need is the Department of Transportation to do some work on this and get some real facts to determine the accident rate and what these big trucks do to our roads and make a decision as to: Is the length of the truck an important element or is it how much these trucks weigh? We have to get more information on this. There is a lack of data available on this subject.

Mr. President, in an attempt to remedy this deficiency, I have been working with many, including the American Trucking Association, for months to try to forge an agreement that would allow us to better study the safety, environmental, and infrastructure impacts of all classes of longer-combination vehicles. I have been doing this since last fall when we first introduced this legislation.

Obviously, the American Trucking Association disagrees with me that triples and others of these long vehicles are unsafe, but they acknowledge that there is a public perception problem, and they have been willing to work with me, which I appreciate. Unfortunately, though, I found that there is little common ground between the safety community and the American Trucking Association on what are the acceptable bounds for a comprehensive study of size, weight, and other trucking issues. No matter what model we came up with, various parties certainly would not agree with what we should do. As a result, I am unable to come up with a compromise on this subject right now. I would ask the Secretary of Transportation to take a look at this issue. It is a very important issue in the 16 States where we have these triple-trailer trucks.

It is extremely frustrating to me and is a situation we, as a body, should not allow to continue. There is an overwhelming lack of useful data available to the U.S. Senate concerning longer-combination vehicles. So I call upon the trucking industry, all of the safety groups, and the U.S. Department of Transportation, to work it out, not in a combative fashion, but to sit down and work together to come up with valid information, which we do not have. It is not acceptable for the mistrust that exists between these groups to continue to stand in the way of a comprehensive, complete, and objective study of these longer-combination vehicles. As I have indicated, I am not offering my amendment today, but the

Senate dialogue on the subject is just beginning.

I want to also say, as I see in the Chamber today the ranking member of the Appropriations Committee, the former majority and minority leader of the Senate, that we are to the point on this bill where we are as a result of the work done by the Senator from West Virginia. Others of us joined in the original amendment, but I think everyone recognizes it has been the tenacious nature of the Senator from West Virginia to move forward on this legislation that has us at a point where we are today with a bill with $26 billion more actual real dollars in it than we would have had. We have a bill that we are going to get out of this Senate within the next week or 10 days, and it is all, I believe, as a result of the work done by the Senator from West Virginia, which the Senator from Nevada very much appreciates.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. REID. Finally, although we are not yet discussing the transit title, let me say a few words about public transportation.

Las Vegas is the fastest growing city in the Nation. There is some debate as to whether it is Las Vegas or the suburb of Henderson, where I graduated from high school. But that area of the country is growing extremely rapidly, as I have already explained. Yet before 1992, it had, at best, a very weak mass transit system. In 1992, the Citizens Area Transit—we call it CAT—owned by the Regional Transportation Commission, and operated on a contract basis, began a fixed-route bus system for Las Vegas.

The response has been tremendous. The Las Vegas community has truly embraced CAT. In less than 5 years, ridership on CAT has grown from 14.9 million annual riders to over 35 million in 1996, a total ridership growth of 134 percent, and going up each day.

The fare box recovery ratio is high. Most of the system's costs are recovered without requiring a huge subsidy. The bus fleet is 100-percent compliant with the Americans With Disabilities Act.

So impressive has been CAT's ability to grow efficiently and effectively, that the American Public Transit Association last year awarded its Outstanding Achievement Award to CAT in the hardest-to-win midsized system category. This is a tremendous feat for such a young system. After all, Mr. President, this system does not rely on much in the way of Federal funds. The dollars that the Federal Transit Administration has provided has been very timely and useful to this bus system. For that reason, I would oppose efforts to change transit formulas to provide a minimum allocation to States without or with only minimal transportation systems.

Let me conclude today, Mr. President, by saying that I join with my colleagues on both sides of the aisle in saying that the fuels taxes paid into the highway trust fund each year will support significantly higher spending on transportation, and I am very happy that Congress is now moving in that direction.

These are trust fund moneys. Every time you go buy a tank of gas at the service station, the money that is collected there, a portion of it, goes into the highway trust fund. Those moneys should be used for that purpose, and that purpose only. To do otherwise would be a violation of the enormous trust the American people have sent us to Washington to uphold.

Our Nation's infrastructure represents the lifeline that fuels our economy. When we neglect to adequately provide for the health of this lifeline, all of us suffer. Whether it is unsafe and degraded roads or pollution caused from overcongestion, all of us are affected. The price is not only the inconvenience of traversing a dilapidated infrastructure. Indeed, the real price is the increased costs all of us pay for goods and services because of the burdens placed on a steady flow of the stream of commerce. It is similar to a cholesterol buildup, I guess, in the arteries, Mr. President. Eventually there is a steep price to pay.

Again, I congratulate my colleagues, Senators CHAFEE, BAUCUS, WARNER, and BYRD, on a job well done. I look forward to working with all my fellow Senators in passing this strong, vital 6-year bill as quickly as possible, and then urging the House to move forward just as quickly so we can get the bill to the President for his signature.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Nevada for his kind comments. He has been a very valuable member of the Environment and Public Works Committee, I guess, ever since he came here to the Senate. We have worked closely together on a whole series of matters. He has particularly been involved with the Endangered Species Act, revisions of which I hope we can bring to a conclusion pretty soon. So I thank the Senator for all his very constructive work in our committee and on this legislation likewise.

AMENDMENT NO. 1687

Mr. CHAFEE. Mr. President, the Senator from California has no objection. So let us proceed with the approval on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1687.

The amendment (No. 1687) was agreed to.

Mr. INHOFE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from the National Governors Association, the U.S. Chamber of Commerce, and two other letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 3, 1998.

Senator JAMES INHOFE,
SROB, Washington, DC

DEAR SENATOR INHOFE: On behalf of the nation's Governors we are writing in support of a requirement that EPA pay one hundred percent of the cost of monitoring for the new fine particle air quality standard. We also urge Congress to codify the time frames in the President's directive for implementing the new federal standards for ozone and particulate matter.

As you realize, state face a heavy burden of performance under the federal air quality standards. The costs of new monitoring networks will be substantial. Moreover, while many states regard the EPA's implementing timeframe as unrealistic, we are concerned that we may be given even less time than promised to monitor and submit data to the EPA. It would be self-defeating if states were shortchanged on the resources for monitoring and the time allowed for implementation of the new air quality standards. If states were not provided with adequate time and resources to carry out their responsibilities, the underlying purpose and objective of the federal requirements might not be realized. For that reason, it is important to codify the President's schedule for implementing the new air quality standards, and to ensure that EPA pays for all costs associated with the new monitoring requirements.

If you have any questions, please don't hesitate to contact us or Mr. Tom Curtis of NGA at 624-5389.

Sincerely,

GEORGE V. VOINOVICH,
Chairman.
TOM CARPER,
Vice Chairman.

NFIB,
Washington, DC, March 3, 1998.

JAMES INHOFE,
U.S. Senate,
Washington, DC

DEAR SENATOR INHOFE: On behalf of the 600,000 small business members of the National Federation of Independent Business (NFIB), I am writing to urge you to support the Inhofe Amendment to the Senate Highway bill (ISTEA).

Members of the Administration have stated that a nationwide monitoring system for PM2.5 is necessary to classify nonattainment areas under the new clean air standards. As states seek ways to comply with the new standards, it is critical that these decisions be based on sound data provided by this type of monitoring network.

By ensuring the construction and operation of a new nationwide PM2.5 monitoring system, the Inhofe Amendment provides a framework of reliable data and sound science to assist states with control strategies.

In a recent NFIB survey, a strong majority of small business owners favored requiring agencies to use sound science and valid evidence before issuing new rules.

The new stringent standards for ozone and particulate matter will undoubtedly result in expanded emissions controls on small businesses in areas of the country that have not been subject to prior regulation. Designation of nonattainment areas will bear heavily on those least able to shoulder the burden—small businesses. It is imperative that designations for the new standards be supported by sound, accurate data.

Thank you for your consideration of our request and your support for small business.

DAN DANNER,
Vice President,
Federal Government Relations.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 3, 1998.

To Members of the United States Senate:

The U.S. Chamber of Commerce urges your support for the amendment to be offered by Senator Inhofe to S. 1173, the Intermodal Surface Transportation Efficiency Act. The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region.

From an economic standpoint, immediate implementation of the new standards would triple the number of communities out of compliance, at a time when continuing improvements are being made to the nation's air quality. The amendment will provide states, businesses and consumers greater certainty that control strategies for attaining compliance with both the new ozone and fine particulate matter standards are based on reliable data. The amendment will provide the necessary funding to the Environmental Protection Agency (EPA) for establishing a nationwide monitoring network for $PM_{2.5}$ and allows for the collection of three full years of monitoring data before EPA decides which areas of the country do not meet the new standard. The amendment is consistent with the timelines set froth in President Clinton's Memorandum on Implementation of the new National Ambient Air Quality Standards (NAAQS) for ozone and $PM_{2.5}$.

Accordingly, we urge your support for the Inhofe amendment to ensure that the new NAAQS are based on the best data possible. The U.S. Chamber will consider including the vote on this amendment to S. 1173 in its annual How They Voted ratings.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

AMERICAN LEGISLATIVE
EXCHANGE COUNCIL,
Washington, DC, March 2, 1998.

Senator JAMES INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: It has come to my attention that you are considering an amendment to the Senate Highway bill, known as ISTEA, dealing with the Environmental Protection Agency's revised National Ambient Air Quality Standards for particulate matter. I commend you on addressing this important issue.

ALEC's members comprise over 3,000 state legislators in all fifty states. These new standards will seriously impact our state economies and divert scarce funds from other health and environment priorities. Thus, it is crucial that these standards not be imposed prematurely.

ALEC has adopted the Resolution on Ozone and particulate Matter NAAQS Revisions, (enclosed), a model resolution opposing the rapid implementation of these changes. In the resolution, ALEC notes that little monitoring information has been developed as to the beneficial health effects of new standards. ALEC believes more study is needed to ascertain if a casual link exists between particles of 2.5 microns and possible adverse health effects. Also, ALEC supports further study to determine the actual benefits and costs involved.

ALEC's model legislation has been considered by many state legislatures, and has already passed in seven states. I hope this information is helpful as you continue your deliberations on this issue. If you have any questions, I encourage you to call Scott Spendlove, Acting Director of ALEC's Energy, Environment, Natural Resources and Agriculture Task Force, at (202) 466–3800.

Sincerely,

DUANE PARDE,
Executive Director.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to the Inhofe amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 1705 are located in today's RECORD under "Introduction of Bills and Joint Resolutions.")

Ms. MOSELEY-BRAUN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I also would like to thank the Presiding Officer. This is actually my time to be in the Chair, and I appreciate his giving me the opportunity to speak on the ISTEA legislation before us. I will try to be brief in light of his willingness to stay a little extra today.

I just thought I would take a few minutes to review as I see it the progress that has been made really going all the way back to last year in the effort to try to address the problems of infrastructure and transportation in our country. Let me do that though, first, from my perspective as a Senator from the State of Michigan.

For quite a long time—in fact, longer than anybody around seems to be able to remember—our State has been one of the States which was referred to as a donor State. That means that when gas tax moneys are sent to Washington, more moneys get sent from Michigan than ever come back in the form of support for the highway system. We understand and I think have shown over the years a great deal of patience with the formulas that have been used and the return on investment that has taken place.

We understood, for example, when the Interstate Highway System was being built that a lot of States needed to have additional dollars beyond that which they could generate from their own gas tax revenues in order to build the system so that we could transport Michigan cars to the South or to the West and to the east coast, or Michigan agriculture products and take advantage of receiving in exchange the goods and services that other States were exporting. However, because we are sending more dollars to Washington than we have received back, it has meant that our State has not been able to do all that we would like to in order to prepare our own infrastructure for the 21st century.

We are especially beset by specific problems in Michigan. One is the fact that the weather in our State tends to be quite a bit colder than the average for the entire country. Particularly in the northern parts of Michigan we encounter winters that are very severe. And that has an effect on the road system.

We also, of course, confront problems that relate to the age of our system. The Interstate System in our State of Michigan on average is approximately 7 years older than the national average, which means that some of our roads are more in need of service and repair than might be the case in other parts of the country.

For this variety of reasons, it has been my view from the beginning of the discussion of transportation legislation, which really was initiated last year, that it is indispensable that Michigan receive more money back, more dollars back, than we have been receiving in previous years. To that end, our State legislature and our Governor addressed this issue very clearly in 1997. The Governor came forth with a very bold plan aimed at trying to provide adequate revenues and resources to put Michigan's roads on a path to being in good shape for the next century. Half of the plan essentially was a plan that basically relied on Michigan to assume a greater responsibility.

So the State legislature and the Governor signed into law legislation which increased our States' gas tax by a little over 4 cents to generate approximately $200 million more per year to be available for our State department of transportation. The Governor also charged all of us who are Federal legislators with the job of bringing back more dollars to Michigan as part of the reauthorization of the ISTEA legislation. The target he set for us was $200 million as well, and it was his view that, if the State could increase by $200 million what it invested in roads and if the Federal Government's share could be increased by $200 million, that $400 million amount would give Michigan an excellent chance to address its repair needs, new roads needs, and a variety of other transportation needs.

We have been working on this, obviously, now for quite a long time. I think the progress to date has been good. The strategy that I have taken or tried to work on here as a Member of the Senate has really been a three-part strategy. Earlier this week, on Monday, we learned that the second of the three parts had been successfully completed. The first part was successfully completed in 1997, and we will soon work on the balance. But let me talk about that strategy briefly and why, at least from Michigan's point of view, things are much more positive today than they were just a few days ago.

The first part of the strategy was simple. It was to shift into the national highway transportation trust fund all the gas tax revenues being sent to Washington from Michigan and other States. As you know, in 1993, when we increased the Federal gas taxes by 4.3 cents, it was the first time those dollars didn't go into the highway trust fund; they went into the general fund. For a lot of us that didn't make sense. Several of us tried to have that 4.3 cents repealed. We didn't have enough votes to get that job done. But what we did have was support this past year during the deliberations on the tax bill in the summer of 1997 to shift those tax dollars from the general fund to the transportation fund, to make those dollars now available, if we authorized it, to be spent on transportation. That was step one. It was a big victory for donor States.

Step two took place earlier this week. After a lengthy behind-the-scenes and public set of discussions and debates and negotiations, the decision was made to spend a considerably greater amount of money on transportation over the pendency of the ISTEA legislation than had been expected to be spent when the legislation was first brought to the Senate last year. Essentially, that amount will be approximately $25 billion additional over this timeframe. This is good news. It means that the 4.3 cents we are transferring into to the trust fund will not be allowed to increase the trust fund surplus but instead be available to be spent on transportation so the donor States will have the opportunity to see more of their gas tax moneys coming back.

It has been estimated that the combination of the underlying legislation which was introduced here and the new dollars that are going to be made available will for Michigan put us at least at the $200 million mark and perhaps considerably beyond that. That, of course, is the final step in the process.

What I wanted to do in my brief remarks today was to thank the chairman of the Environment and Public Works Committee and the ranking member and others who have been here working and will continue, I am sure, for the next several days to be working for the progress that has been made; to also thank those who were involved in these budget discussions, particularly Senator DOMENICI, with whom I had numerous meetings and discussions on this over the course of the last several months, for his willingness to work on the new budget resolution in such a way as to accommodate the additional spending on transportation. I think we are making progress in the right direction.

The final step, obviously, is to determine how the new dollars and all the money will be allocated. As a donor State, I have made it very clear to the ranking member, to the chairman, and others that we in Michigan would like to see donor States get as much equity as possible. We recognize in this Chamber that we are not the majority of States. We also recognize that there are unique needs in various regions of the country, which we will try to address.

For my part, I want to be as helpful to the process as possible, and at the same time I want to make it clear that as a Senator from Michigan I am going to do everything I can to try to make sure that our voice is heard and that we address to the degree we possibly can in this Chamber the need for States that are donor States to get their fair share. I hope we can finish this process in a way, as I said, that allows us to not only hit but exceed the $200 million per year increase that the Governor has set for us. I am more definitely on course for doing that, and I appreciate the progress that has taken place so far.

I look forward to working with everybody. I will keep my constituents apprised as further developments occur. But to those from Michigan who are tuned in or who will be following this debate, I do want to make it clear that we have succeeded, first, in shifting the gas tax revenues into the trust fund; second, we have now succeeded in making sure that those revenues coming into the trust fund will be spent. When you add those together you definitely see Michigan on the road to receiving a much greater number of dollars back from Washington than has been the case. That is the kind of direction I hope we can continue right through to the end of this legislation both here in the Senate and ultimately when we work with the House to finish this up later this year.

Mr. President, thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent to set aside the pending amendment, which is the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we have a series of amendments that have been agreed to by both sides.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1690 TO AMENDMENT NO. 1676

(Purpose: To modify State infrastructure bank matching requirements)

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, proposes an amendment numbered 1690 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 191, line 12, strike the semicolon at the end and insert ", except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;".

Mr. CHAFEE. This amendment by the junior Senator from Alaska is in connection with State infrastructure banks. This amendment restores the so-called sliding scale matching rate for States having large amounts of federally owned land. Under the current State Infrastructure Bank Pilot Program, such States may provide a smaller non-Federal match for Federal contributions of capitalizing grants.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1690) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1691 TO AMENDMENT NO. 1676

(Purpose: To include as a goal of the innovative bridge research and construction program the development of new nondestructive bridge evaluation technologies and techniques)

Mr. CHAFEE. Mr. President, the second amendment which I have is by the senior Senator from New Mexico, Senator DOMENICI. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DOMENICI, proposes an amendment numbered 1691 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 371, line 6, strike "and" after the semicolon.

On page 371, line 10, strike the period and insert "; and".

On page 371, between lines 10 and 11, insert the following:

"(6) the development of new nondestructive bridge evaluation technologies and techniques."

Mr. CHAFEE. Mr. President, what this amendment does is deal with innovative bridge research and construction. There is such a program. This would include the development of nondestructive bridge evaluation technologies and techniques. This is an important part of bridge safety research.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1691) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1692 TO AMENDMENT NO. 1676

(Purpose: To refine the criteria of selection for Federal assistance for Trade Corridor and Border Infrastructure, Safety, and Congestion Relief projects)

Mr. BAUCUS. On behalf of Senator MOYNIHAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. MOYNIHAN, proposes an amendment numbered 1692 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 98, line 7, amend subparagraph 1116(d)(2)(A) by striking "of commercial vehicle traffic" each place it appears and substituting "and value of commercial traffic".

Mr. BAUCUS. This amendment, as I mentioned, I am offering on behalf of Senator MOYNIHAN from New York. It clarifies that the Secretary shall consider the value of commodities traveling through a State in addition to the volume of the commodities when selecting proposals in the border infrastructure and trade corridor program.

We have examined this amendment. I think it has also been cleared by the other side. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1692) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1676

(Purpose: To clarify the planning provisions of the bill)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senators MOSELEY-BRAUN and DURBIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Ms. MOSELEY-BRAUN, for herself and Mr. DURBIN, proposes an amendment numbered 1693 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at last 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(I) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

Mr. BAUCUS. On behalf of Senator MOSELEY-BRAUN, this is an amendment to, frankly, correct an error that was made in the drafting of the Environment and Public Works Committee bill before us today. The effect of this amendment, therefore, would be to return to current law.

When the committee drafted the bill before us, that is ISTEA II, we did not make any major changes to the current ISTEA planning provisions. The language the Senator from Illinois is reinserting should not have been deleted from the bill.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1693) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1676

(Purpose: To provide for research into the interactions between information technology and future travel demand)

Mr. BAUCUS. Mr. President, I have another amendment. This is on behalf of Senator Barbara BOXER.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mrs. BOXER, proposes an amendment numbered 1694 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

Mr. BAUCUS. This amendment on behalf of the Senator from California, Mrs. BOXER would expand the current research programs to include how telecommuting and other technological and economic changes can affect travel. I believe this is a good amendment and will help fill the gap in our research programs. California certainly is a State with telecommuting and other technologies, and travel, and I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1694) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, we are working to try to get another amendment up.

Mr. CHAFEE. Mr. President, I think perhaps this might be a time when we might do the best we could to alert our colleagues as to what is taking place.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. The major amendment we have been on since 10:30 this morning, what you might call the so-called Chafee amendment, has been tied up with some difficulties. We have not been able to move to a vote on that. We have set it aside to take up other matters. At this time, I would like very much if we could take up the Dorgan amendment, if that is possible. If that is not possible, and that will take an hour, we would soon be able to alert people whether we will be able to do that or not.

Absent that, and even in addition to that, there would be an amendment of about a half an hour by the junior Senator from New Mexico, Senator BINGAMAN. If the Dorgan amendment is not available to take up, then it would be my suggestion we go directly to the Bingaman amendment, which would take a half hour.

So it is possible that we would have some votes—a vote at somewhere around 6 o'clock. As you can note from my statement here, there are some "ifs" involved in all this. I am doing the best I can to keep our fellow Senators alerted to what the situation is.

Mr. BAUCUS. We are making every effort to locate both those Senators and we are urging them to come to the floor as quickly as possible. I am unable to report at this time whether they will be able to come to the floor, but we will certainly try.

Mr. CHAFEE. I say further, what we would like to do is to dispose of the underlying amendment, that is the amendment before us, the so-called Chafee amendment. If we cannot do it tonight—and I see problems with that—certainly do it the first thing in the morning. Then we would go to the McConnell amendment on disadvantaged business enterprises. He has indicated he would be ready. Actually, I told him we were going to do that this afternoon, so my predictions are not totally accurate on what we are taking up and what we might take up.

But we are doing the best we can. That is a major amendment and will take some time. We would certainly like to get to that amendment as soon as we can. The key thing is to dispose of the so-called Chafee amendment as soon as we can.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I fully concur with the agenda laid out by the distinguished chairman, and hope we accomplish it. Meanwhile, I ask unanimous consent Senator CAROL MOSELEY-BRAUN be added as a cosponsor of the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I am authorized to announce on behalf of the majority leader there will be no more votes this evening. We will announce shortly the schedule for tomorrow, what time we will be coming in, what votes will be coming up and when they will be coming up. We will be ready to announce that very, very shortly.

I ask unanimous consent that Senator DOMENICI be added as a cosponsor to the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, we are waiting for the final arrangements for the schedule for early tomorrow, and pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, before we start, I once again say to anybody who hasn't yet got the message, I have been authorized by the majority leader to announce that there will be no further rollcall votes this evening.

Madam President, I ask unanimous consent that at 9 a.m. on Thursday, immediately following the resumption of the highway bill, Senator BINGAMAN be recognized in order to offer an amendment regarding liquor drive-throughs. I further ask unanimous consent that there be 30 minutes for debate, equally divided in the usual form, on that amendment. I further ask consent that immediately following that debate, the amendment be set aside and Senator DORGAN be recognized to offer an amendment regarding open containers. I ask consent that there be 60 minutes for debate, equally divided in the usual form, on that amendment. Finally, I ask consent that at the expiration of that time, at approximately 10:30 a.m. on Thursday, the Senate proceed to a vote on or in relation, first, to the Dorgan amendment, to be followed by a vote on or in relation to the Bingaman amendment. I also ask unanimous consent that no amendments be in order to the above-mentioned amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. DOMENICI. Madam President, shortly, the Congressional Budget Office—that is the official professional staff that has been in existence for many years that helps the Congress with budgeting—is going to issue—it is already prepared, it is ready for a formal issuance—an analysis of the President's budgetary proposals for the year 1999.

Before I tell the Senate what they are going to conclude, let me hearken back to when the President issued his budget. There were many Senators who asked me, "How can the President have so many new domestic programs when we have an agreed-upon limit for the year 1999 and the year 2000 and the year 2001, all the way to the year 2003, that doesn't permit any growth in the Federal domestic program?" As a matter of fact, to be accurate, it permits .5 percent growth, which the Congressional Budget Office has said, doing the arithmetic, it is even high; you cannot grow that much.

So I was being asked: Where can the President find money for his education initiative—whether you are for it or against it—for his child care proposal—whether you are for it or against it—and a long shopping list of programs? And I believe I said then, and said on the floor of the Senate, I do not believe he can. I believe he has tried to find a way to spend more than the agreement says we can spend, but says he isn't by transferring revenues and receipts to the Appropriations Committee so they can spend the money and take credit for the revenues and receipts and other matters like that.

Well, as a matter of fact, the Congressional Budget Office says that the President is $68 billion in excess of the agreed-upon amounts we can spend for each of these 5 years—$68 billion over the budget agreement caps on the domestic discretionary programs, on the domestic program part of the appropriations process.

Now, that is very important, because to the extent that that is correct, then obviously, unless Senators want to go back and restrain and cut and eliminate domestic programs, they are clearly not going to be able to fund very much of the President's new domestic initiative list that was forthcoming and stated in his State of the Union address.

Now, frankly, I did not believe, as one who has worked on this for some time, that the President could exchange matters in that way, and what I said has now been vindicated by the professionals who do the work for the Congress. If you could do it that way, then obviously these agreed-upon caps would be meaningless, for all you would have to do is find revenues and receipts, and the Government could grow and grow in terms of the amount that we spend and still say that we are within the agreed-upon caps because you offset the receipts against the expenditures.

Apparently, the Congressional Budget Office said that is not possible and then found that some of the expenditures are going to spend out more than the President says. Now, that is interesting, because if you wonder where we are on surpluses, you know the President said we had a $220 billion surplus over 5 years. The Congressional Budget Office, in its report, says the surplus for the 5 years, Mr. President, will be less than half of that, it will be $108 billion—slightly less than one-half of what he predicted.

In addition to that fact, which should sober us up a bit, this professional evaluation done for us by an independent entity—not the economists who work for the President, and not the President's Office of Management and Budget, but an independent group—they also say that the budget, the way the President is spending it, goes out of kilter and that in the year 2000 we are in deficit again. In other words, we come out, have a little surplus—a little surplus—and then in 2000 we are in deficit again. We come out of it shortly afterwards. But it does put us in a very awkward position, as we speak of the accumulation of surpluses over time, to find that the numbers we are going to be forced to use are going to say there is no surplus in the year 2000.

Now, I wish that the President was right in his $220 billion surplus over 5 years. I wondered about it, especially with all the new spending. But I was today to some extent—some sober language enters our discussions now, a little sobering-up with reference to where we are. And, I will insert in the RECORD the Congressional Budget Office's analysis in toto for everyone to read.

One last comment. The Congressional Budget Office has modified the annual surpluses also substantially so that there are no significant surpluses in the early years—maybe 4, 5, 6, 7 billion dollars, but nothing significant.

Now, that means that our job around here is a lot more difficult, because whenever anybody thinks it does not matter whether we overspend, we are going to be confronted with the sobering fact that we had better not be looking to the President's budget for guidance or advice because it will just make matters worse.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, March 3, 1998, the federal debt stood at $5,528,586,832,076.70 (Five trillion, five hundred twenty-eight billion, five hundred eighty-six million, eight hundred thirty-two thousand, seventy-six dollars and seventy cents).

One year ago, March 3, 1997, the federal debt stood at $5,358,957,000,000 (Five trillion, three hundred fifty-eight billion, nine hundred fifty-seven million).

Five years ago, March 3, 1993, the federal debt stood at $4,197,838,000,000 (Four trillion, one hundred ninety-seven billion, eight hundred thirty-eight million).

Ten years ago, March 3, 1988, the federal debt stood at $2,492,076,000,000 (Two trillion, four hundred ninety-two billion, seventy-six million).

Fifteen years ago, March 3, 1983, the federal debt stood at $1,219,388,000,000 (One trillion, two hundred nineteen billion, three hundred eighty-eight million) which reflects a debt increase of more than $4 trillion—$4,309,198,832,076.70 (Four trillion, three hundred nine billion, one hundred ninety-eight million, eight hundred thirty-two thousand, seventy-six dollars and seventy cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING NATIONAL SECURITY INTERESTS WITH RESPECT TO BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

I hereby certify that the continued presence of U.S. armed forces, after June 30, 1998, in Bosnia and Herzegovina is required in order to meet the national security interests of the United States, and that it is the policy of the United States that U.S. armed forces will not serve as, or be used as, civil police in Bosnia and Herzegovina.

This certification is presented pursuant to section 1203 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105-85, and section 8132 of the National Defense Appropriations Act for Fiscal Year 1998, Public Law 105-56. The information required under these sections is in the report that accompanies this certification. The supplemental appropriations request required under these sections is being forwarded under separate cover.

America has major national interests in peace in Bosnia. We have learned from hard experience in this turbulent century that America's security and Europe's stability are intimately linked. The Bosnian war saw the worst fighting—and the most profound humanitarian disaster—on that continent since the end of the Second World War. The conflict could easily have spread through the region, endangering old Allies and new democracies alike. A larger conflict would have cast doubt on the viability of the NATO alliance itself and crippled prospects for our larger goal of a democratic, undivided, and peaceful Europe.

The Dayton framework is the key to changing the conditions that made Bosnia a fuse in a regional powder keg. It is decisively in American interests to see Dayton implemented as rapidly as feasible, so that peace becomes self-sustaining. U.S. leadership is as essential to sustaining progress as it has been to ending the war and laying the foundation for peace.

I expect the size of the overall NATO force in Bosnia and Herzegovina will remain similar to that of the current SFOR. However, the U.S. contribution would decline by about 20 percent, as our Allies and partners continue to shoulder an increasing share of the burden.

Although I do not propose a fixed end-date for this presence, it is by no means open-ended. Instead, the goal of the military presence is to establish the conditions under which Dayton implementation can continue without the support of a major NATO-led military force. To achieve this goal, we have established concrete and achievable benchmarks, such as the reform of police and media, the elimination of illegal pre-Dayton institutions, the conduct of elections according to democratic norms, elimination of cross-entity barriers to commerce, and a framework for the phased and orderly return of refugees. NATO and U.S. forces will be reduced progressively as achievement of these benchmarks improves conditions, enabling the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.

In fact, great strides already have been made towards fulfilling these aims, especially in the last ten months since the United States re-energized the Dayton process. Since Dayton, a stable military environment has been created; over 300,000 troops returned to civilian life and 6,600 heavy weapons have been destroyed. Public security is improving through the restructuring, retraining, and reintegration of local police. Democratic elections have been held at all levels of government and hard-line nationalists—especially the Republika Srpska—are increasingly marginalized. Independent media and political pluralism are expanding. Over 400,000 refugees and displaced persons have returned home—110,000 in 1997. One third of the publicly-indicted war criminals have been taken into custody.

Progress has been particularly dramatic since the installation of a pro-Dayton, pro-democracy Government in Republika Srpska in December. Already, the capital of Republika Srpska has been moved from Pale to Banja Luka; media are being restructured along democratic lines; civil police are generally cooperating with the reform process; war criminals are surrendering; and Republika Srpska is working directly with counterparts in the Federation to prepare key cities in both entities for major returns of refugees and displaced persons.

At the same time, long-standing obstacles to inter-entity cooperation also are being broken down: a common flag now flies over Bosnian institutions, a common currency is being printed, a common automobile license plate is being manufactured, and mail is being delivered and trains are running across the inter-entity boundary line.

Although progress has been tangible, many of these achievements still are reversible and a robust international military presence still is required at the present time to sustain the progress. I am convinced that the NATO-led force—and U.S. participation in it—can be progressively reduced as conditions continue to improve, until the implementation process is capable of sustaining itself without a major international military presence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998*.

REPORT ON TELECOMMUNICATIONS PAYMENTS TO THE GOVERNMENT OF CUBA FROM U.S. PERSONS—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104-114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021-91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period July 1 through December 31, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

	Amount
AT&T Corporation (formally, American Telephone and Telegraph Company)	$11,991,715
AT&T de Puerto Rico	298,916
Global One (formerly, Sprint Incorporated)	3,180,886
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,128,371
MCI International, Inc. (formerly, MCI Communications Corporation)	4,893,699
Telefonica Larga Distancia de Puerto Rico, Inc.	105,848
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	5,608,751
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	2,887,684
	33,095,870

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998*.

REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) is to continue in effect beyond March 15, 1998, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998*.

MESSAGES FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 347. An act to designate the Federal building located at 100 Alabama Street, N.W., in Atlanta, Georgia, as the "Sam Nunn Federal Center."

The message also announced that pursuant to the provisions of section 114(b) of Public Law 100-458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon, the term to expire on September 27, 1999; Mr. PICKERING of Mississippi.

The message further announced that House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 217. An act to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively.

The message also announced that pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participants on the part of the House to the National Summit on Retirement Savings: Ms. Meredith Bagby of New York, Mr. James E. Bayne of Texas, Mr. Carroll A. Campbell, Jr. of South Carolina, Ms. Joyce Campbell of Washington, D.C., Ms. Hilda Cannon of Georgia, Mr. Christopher W. Clement of Arizona, Mr. Benjamin Tanner Domenech of Virginia, Mr. Clinton A. Demetriou of Georgia, Mr. Pete du Pont of Delaware, Mr. Adam Dubitsky of Washington, D.C., Ms. Lynn D. Dudley of Washington, D.C., Mr. Ric Edelman of Virginia, Mr. John N. Erlenborn of Maryland, Ms. Shannon Evans of Nevada, Mr. Harris W. Fawell of Illinois, Mr. Peter J. Ferrara of Virginia, Mr. Ray Gaydos of Washington, D.C., Mr. Craig Ghloston of Texas, Mr. Arthur Glatfelter of Pennsylvania, Mr. Dylan Glenn of Georgia, Mr. James T. Gordon of Georgia, Mr. Brian H. Graff of Virginia, Mr. Matthew Greenwald of Washington, D.C., Mr. Brent R. Harris of California, Mr. Donald K. Hill of Georgia, Ms. Amy M. Holmes of Washington, D.C., Ms. Karen A. Jordan of Arkansas, Mr. John Kimpel of Massachusetts, Mrs. Beth Kobliner of New York, Mr. Gerald Letendre of New Hampshire, Mr. Ronald Lyons of Ohio, Mrs. Patricia De L. Marvil of Virginia, Mr. Philip Matthews of Connecticut, Mr. Thomas J. McInerney of Connecticut, Mr. Kevin M. McRaith of New Mexico, Ms. Rita D. Metras of New York, Ms. Lena Moore of Washington, D.C., Ms. Dana Muir of Michigan, Ms. Heather Nauert of Washington, D.C., Mr. Jeffrey M. Pollock of New Hampshire, Ms. Pati Robinson of Washington, Ms. Andrea Batista Schlesinger of New York, Mr. Eugene Schweikert of South Carolina, Mr. Charles Schwab of California, Ms. Victoria L. Swaja of Arizona, Mr. Richard Thau of New York, Ms. Sandra R. Turner of Florida, Mrs. Sunny Warren of Georgia, Mr. Albert Zapanta of Virginia, and Mr. Roger Zion of Indiana.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 217. An act to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4119. A communication from the President of the United States, transmitting, pursuant to law, the report of 24 proposed rescissions of budgetary resources; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Energy and Natural Resources, and to the Committee on Commerce, Science, and Transportation.

EC-4120. A communication from the Secretary of Defense, transmitting, pursuant to law, a report concerning the Cooperative Threat Reduction Program; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1704. A bill for the relief of Renee Merhej and Wadih Merhej; to the Committee on the Judiciary.

By Ms. MOSELEY-BRAUN (for herself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, Mr. DASCHLE, Mr. REID, Mr. GLENN, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, and Mr. REED):

S. 1705. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1706. A bill to amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. BUMPERS, and Mr. BYRD):

S. 1707. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. DODD, Mrs. BOXER, Mr. BREAUX, Mr. ROBB, Mr. LEVIN, Mr. LAUTENBERG, Mr. GLENN, Mr. KERRY, Mrs. FEINSTEIN, Mr. REID, Mr. REED, and Mr. BRYAN):

S. 1708. A bill to improve education; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 1709. A bill to authorize the Secretary of Labor to provide assistance to States for the implementation of enhanced pre-vocational training programs, in order to improve the likelihood of enabling welfare recipients to make transitions from public assistance to employment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. LEVIN, Mr. LEAHY, Mr. STEVENS, Mr. ROBB, Mr. WARNER, Mr. SARBANES, and Ms. MIKULSKI) (by request):

S. 1710. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE (for Mr. LOTT):

S. Res. 191. A resolution making Majority party appointments for the Committee on Governmental Affairs for the 105th Congress; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. HUTCHISON, Mr. DURBIN, and Mr. SANTORUM):

S. Con. Res. 79. A concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, Mr. DASCHLE, Mr. REID, Mr. GLENN, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, and Mr. REED):

S. 1705. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

THE PUBLIC SCHOOL MODERNIZATION ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, I send to the desk a bill and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to introduce, along with a number of my colleagues, the Public School Modernization Act of 1998. This legislation addresses one of the most fundamental problems with public education in America, and that is that many of our elementary and secondary schools are literally falling down around our children.

The Public School Modernization Act of 1998 will help States and school districts finance their school improvement priorities. It will help them modernize classrooms so that no child misses out on the information age. It will help them ease overcrowding so that no child is forced to learn the principles of geometry in a gymnasium. It will help them patch leaky roofs, fix broken plumbing, and strengthen the facilities that provide the foundation for our children's education. Without this support, schools will continue to crumble under the weight of deferred maintenance and neglect, and our children's education, and their future, and our Nation's future, will suffer as a result.

Education in America correlates with opportunity for individuals, but also for our country as a whole. The rungs of the ladder of opportunity in America are crafted in the classroom. Consider that high school graduates earn 46 percent more each year than those who don't graduate from high school. College graduates earn 155 percent more every year than those who do not graduate from high school. Over the course of a lifetime, the most educated Americans will earn five times as much as the least educated Americans. So education is clearly related to individual prosperity and the ability of people to function in this new economy.

Education also correlates to almost all indicia of economic and social well-being. Educational attainment can directly be tied to income, to health, to the likelihood of being on welfare, to the likelihood of being incarcerated in a prison, and to the likelihood of voting and participating in our democracy.

However, education is more than a tool simply to lift people out of poverty or to provide a better standard of living for individuals. It is also the engine that will drive America's economy in the 21st century. In a Wall Street Journal survey last year of leading U.S. economists, 43 percent of them said that the single most important thing that we could do to increase our long-term economic growth would be to invest more in education and research and development. Nothing else came close to education in that survey. One economist said, "One of the few things that economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities."

A recent study by the Manufacturing Institute concluded that increasing the education level of workers by 1 year raises the productivity level by 8.5 percent in manufacturing. Imagine, Mr. President, if you will, that in this global economy, the only way we will be able to hold on to our position as the country in the world with the highest standard of living is if we prepare our work force—as a whole, all of our workers—to compete at the highest level of competition and to produce at the highest level of productivity.

The Public School Modernization Act of 1998 represents the kind of investment that will result in better futures for our children and a better future for our country. The bill strengthens the fundamental tenet of American education—local control. By helping schools finance their capital improvement priorities, the Federal Government can free local resources for educational activities and can help give communities the kind of buildings that they need before they can implement the kinds of school reforms that parents and educators are demanding.

The Public School Modernization Act of 1998 creates a simple, effective, and easy-to-administer means of helping communities modernize their schools. The bill creates a new category of zero coupon bonds for States and school districts to issue to finance capital improvements. It allocates $21.8 billion worth of bonding authority to States and large school districts over the next 2 years.

Over 5 years, the bill will cost our National Government only $3.3 billion, but $21.8 billion worth of new construction and modernization will be made available by that $3.3 billion, which means for every Federal dollar that we invest over the next 5-year period, there will be an additional 6.6 in State and local dollars. That is a pretty good leverage capacity from this kind of investment.

Perhaps most important, though, Mr. President, is that this bill is bureaucracy-free, or as close to bureaucracy-free as we can manage. States and school districts need only to comply with two main requirements before issuing these new school modernization bonds. First, they must conduct a survey of their school facility needs, which you would think that every school district would have already, but the truth is they don't, yet. Second, they must describe how they intend to allocate the bonding authority to assure that schools with the greatest needs and the least resources benefit. That is it. Those are the only strings. There is no reapplying for funds, no continuous oversight, no getting individual projects approved by some Federal agency. The plan is simple. It will work. And it will strengthen local schools.

Mr. President, the magnitude of the school facilities problem is so great today that many districts cannot maintain the kind of educational environment necessary to teach all of our children the kinds of skills they will need to compete in the 21st century global economy.

We commissioned a study by the GAO a couple years ago. What they concluded was that every day some 14 million children in this country—14 million children—attend schools in need of major renovations or outright replacement, 7 million children every day attend schools with life-threatening safety code violations, and it will cost $112 billion to bring the schools up to code. This is not bells and whistles, this is not equipping them with computers and fancy new cosmetics, but just to address the toll that decades of deferred maintenance have taken on our school facilities across this country.

In my State of Illinois, school modernization and construction needs top $13 billion. Many of our school districts have a difficult time enough just buying textbooks, pencils, and teacher salaries, let alone financing capital improvements. This would free local resources for education by providing Federal support for bricks and mortar.

By the way, the national school repair price tag, as enormous as it sounds, does not include the cost of wiring our schools for modern technology. One of the greatest barriers to the incorporation of modern computers into classrooms is the physical condition of many school buildings. You can't very well use a computer if you don't have an electrical system working in the wall to plug it into. According to the GAO study, almost half of all schools—half of all schools—lack enough electrical power for the full-scale use of computers, 60 percent lack the conduits to connect classroom computers to a network, and more than 60 percent of the schools lack enough phone lines for instructional use.

Last year, principal Rita Melius from Waukegan, IL, came to Washington and told of her experience with computer technology at her school. She thought she was doing the right thing by equipping her schools with modern school technology, but when she deployed the computers around the schools, fires started in the building because the wiring was so old. Her experience is being replicated all over this country as communities try to bring their schools into the information age. This legislation will give Ms. Melius, and others like her, the resources to modernize their classrooms.

Mr. President, it will also give communities the power to relieve overcrowding. According to the U.S. Department of Education, just to keep up with growing enrollment, we will need to build some 6,000 new schools over the next 10 years.

I have visited schools in Illinois where study halls are being held in the hallways, literally, because there is no other space. I have seen stairway landings converted into computer labs. I have seen cardboard partitions used to turn one classroom into two. I point out, Mr. President, that particular school was in what could be called a basement. It wasn't exactly a basement, it was at ground level, but they had cardboard separating two classes from each other. There is a school, frankly, where the lunchroom has been converted into two classrooms, where students eat in the gymnasium. And instead of having gym, they have "adaptive physical education" while they stand next to their desks, because the gyms are being used for lunchrooms. It is really shameful, Mr. President, and it is the situation that we find in almost a third of the schools in this country.

Again, I point out that this phenomenon is not just an inner-city problem. It exists in rural communities and suburban communities as well—just about one-third in each type of community across the United States.

Teachers and parents know full well that these conditions directly affect the ability of their children to learn, and research backs up that intuition. Two separate studies found a 10 to 11 percent achievement gap between those students in good buildings and those in shabby or poor buildings, after controlling for all other factors.

Other studies have found that when buildings are in poor condition, students are more likely to misbehave. Three leading researchers recently concluded, ". . . there's no doubt that building condition affects academic performance."

This morning, in a press conference in which a student from a local school talked about overcrowded conditions, he mentioned that they were having discipline problems from fights breaking out from what he called "hall rage," because the overcrowding situation in the school was so perverse and extreme that students were literally bumping into each other trying to move from class to class. So we have a situation here in which academic performance is affected.

I think it is time to mention something at this point. We just saw, this week, the grades come in on an international math and science test. The results were profoundly disturbing. American students scored close to the bottom, or at the bottom, on every math and physics test offered.

Now, here we are. A new study of high school seniors in 23 countries shows U.S. students scored significantly lower than students in other countries. This is in math, nations with scores above the international level: Netherlands, Sweden, Denmark, Switzerland, Iceland, and Norway. Nations with scores close to the international average: Italy, Russia, Lithuania, Czech Republic, and the United States. Nations lower than the international level: Cyprus and South Africa. We are in the category of nations with scores lower than the international level, which includes: France, Russia, Switzerland, Denmark, Cyprus, Lithuania, Australia, Greece, Sweden, Canada, Slovenia, Italy, Czech Republic, Germany, and the United States is next to last in advanced mathematics. In physics: Norway, Sweden, Russia, Denmark, Slovenia, Germany, Australia, Cyprus, Latvia, Greece, Switzerland, Canada, France, Czech Republic, Austria, and the United States. We are last. From the President down to the local township officials, this should be a clarion call that we have to work to improve the quality of our schools.

Our school facilities problems directly result, Mr. President, from our archaic school funding formula and system. The current system, the way we fund schools, was established a century ago when the Nation's wealth was measured in terms of property wealth, in terms of landholdings. Wealth is no longer accumulated just in land, and the funding mechanism that ties funding of our education to the local property tax is no longer appropriate, nor is it adequate.

Again, according to the GAO, poor and middle-class school districts try the hardest to raise revenue from the property tax, but the system works against them. In some 35 States, poor districts—that is, districts with smaller property tax bases—have higher tax rates than wealthy districts, but they raise less revenue because there is less property wealth to tax.

This local funding model, this model of depending on the local property tax to fund education, does not work for school infrastructure, just as it would not work for our highways or any other infrastructure.

It is ironic that we are here talking about the highway bill. Imagine what would happen if we based our system of roads on the same funding model we use for education. Imagine if every community was responsible for the construction and maintenance of the roads within its borders. In all likelihood, we would see smooth, good roads in the wealthy towns, a patchwork of mediocre roads in middle-income towns, and very few roads at all in poor communities. Transportation would be hostage to the vagaries of wealth and geography. Commerce and travel would be difficult, and navigation of such a system would not serve the best interests of our whole country. That hypothetical, unfortunately, precisely describes the way that we fund our public education system.

I believe we need a new approach. We need a partnership among all levels of government and the private sector that preserves local control in education but creates a financing balance that better serves local property taxpayers, children, schools, and indeed our entire country. This new act I am introducing today represents such a new partnership. It is a simple and effective means of leveraging limited Federal resources, strengthening local control of education, and improving the educational opportunity for every child.

I urge my colleagues to take a close look at the needs of the schools in their own States and decide what they stand for: higher property taxes and crumbling schools, or lower property taxes and a new partnership to improve our schools for the 21st century. I believe that we have some opportunities here.

Again, I have visited a lot of schools and I have seen what happens when we engage the resources sufficient to provide an environment and support needed for our children to learn. American kids are no dumber than kids anywhere else in the world. There is no reason for us to be at the bottom of this international testing. It is not their fault. It is our fault for failing to engage appropriately, to give public education the kind of support that it needs to have.

Now, there is some good news I would like to call to your attention. A group of some 20 Illinois school districts, led by Superintendent Paul Kimmelman, banded together to form a group called the First in the World Consortium. Their goal was to score first in the world on the international math and science test. At the same time that these results came out, Mr. President, the results from the First in the World Consortium came out also. They succeeded. The students in that consortium placed first in the world when compared with other countries, which is far above the dismal performance of our country as a whole.

What does this consortium have that the schools in our country lack? It is not the makeup of students. The kids are as capable anywhere in the country, whether they come from rich families or poor families. We have some of the brightest students in the world, who need only the opportunity to learn. The difference, however, is what supports we, as a community, a national community, can provide for them—schools with first-rate facilities, small classes, modern technology, and supportive communities.

So I hope that we will all take a look at the importance of this legislation. This is a way that we can engage the support of the National Government, our national community, acting in our national interest to serve our most important resource, which is our children. If we don't invest in them and if we don't build up these schools, many of which were built—I am making an assumption about age, but when you and I were in grammar school, Mr. President, these schools were built almost a generation ago and, in many instances, more than a generation ago. That generation saw fit to provide facilities that were suitable for learning. That we have not, I believe, speaks volumes for us.

I think our generation has an absolute obligation and duty to provide for this generation, the next generation of Americans, no less an opportunity than we inherited from the last generation of Americans. We have a duty to see to it that they have the ability to get educated and to take their talent as far as those talents will take them, to maximize the ability of every person to rise to the absolute best level that he or she can, based on his or her natural talents.

Those natural talents, though, Mr. President, have to be nurtured in an environment and in facilities that are suitable for learning. This legislation will begin, hopefully, to create the kind of partnership that will allow the National, State, and local governments to stop the finger-pointing, stop the blame game, stop pushing the buck, and say it is somebody else's duty, or responsibility, or fault, and allow us to come together on behalf of what is clearly in our interest as citizens not only of cities and States and local communities, but as citizens of this great country.

This is why we have to come together. This is why we have to put the old, tired arguments behind us. This is why I think we should take a variety of ideas and put them out so that we can reach a consensus on getting some results, getting results that will serve our children's interests.

The public certainly wants us to do it. According to a bipartisan poll released earlier this year, some 76 percent of registered voters would support a $30 billion, 10-year Federal commitment to rebuild and modernize our schools. This legislation provides for that kind of a partnership. I certainly hope, Mr. President, that the Members of this body will review the GAO reports regarding their own States, because this is not just an Illinois problem, this is not just a North Carolina problem, or a Wyoming problem; this is a problem for America, and every State in this country has the same problem in the same ways. I urge them to examine the reports by the General Accounting Office regarding the condition of schools in their States, I ask them to examine the report of the General Accounting Office regarding the property tax dependence in their States, and I urge them to sign on and cosponsor this legislation.

Mr. President, I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public School Modernization Act of 1998".

SEC. 2. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) IN GENERAL.—Part IV of subchapter U of chapter 1 of the Internal Revenue Code of 1986 (relating to incentives for education zones) is amended to read as follows:

"PART IV—INCENTIVES FOR QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

"Sec. 1397E. Credit to holders of qualified public school modernization bonds.

"Sec. 1397F. Qualified zone academy bonds.

"Sec. 1397G. Qualified school construction bonds.

"SEC. 1397E. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified public school modernization bond on the credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any qualified public school modernization bond is the amount equal to the product of—

"(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

"(B) the face amount of the bond held by the taxpayer on the credit allowance date.

"(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will on average permit the issuance of qualified public school modernization bonds without discount and without interest cost to the issuer.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND; CREDIT ALLOWANCE DATE.—For purposes of this section—

"(1) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND.—The term 'qualified public school modernization bond' means—

"(A) a qualified zone academy bond, and

"(B) a qualified school construction bond.

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means, with respect to any issue, the last day of the 1-year period beginning on the date of issuance of such issue and the last day of each successive 1-year period thereafter.

"(e) OTHER DEFINITIONS.—For purposes of this part—

"(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"(f) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section and the amount so included shall be treated as interest income.

"(g) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"SEC. 1397F. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this part—

"(1) IN GENERAL.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

"(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed 15 years.

"(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

"(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom, "(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or

"(v) any other property or service specified by the local educational agency.

"(3) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(D) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(E)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(4) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) providing equipment for use at such academy,

"(C) developing course materials for education to be provided at such academy, and

"(D) training teachers and other school personnel in such academy.

"(5) TEMPORARY PERIOD EXCEPTION.—A bond shall not be treated as failing to meet the requirement of paragraph (1)(A) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a reasonable temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued. Any earnings on such proceeds during such period shall be treated as proceeds of the issue for purposes of applying paragraph (1)(A).

"(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $1,400,000,000 for 1999,

"(C) $1,400,000,000 for 2000, and

"(D) except as provided in paragraph (3), zero after 2000.

"(2) ALLOCATION OF LIMITATION.—

"(A) ALLOCATION AMONG STATES.—

"(i) 1998 LIMITATION.—The national zone academy bond limitation for calendar year 1998 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) LIMITATION AFTER 1998.—The national zone academy bond limitation for any calendar year after 1998 shall be allocated by the Secretary among the States in the manner prescribed by section 1397G(d); except that, in making the allocation under this clause, the Secretary shall take into account Basic Grants attributable to large local educational agencies (as defined in section 1397G(e)).

"(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2002.

"SEC. 1397G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this part, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1397F(a)(5) shall apply for purposes of paragraph (1).

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $9,700,000,000 for 1999,

"(2) $9,700,000,000 for 2000, and

"(3) except as provided in subsection (f), zero after 2000.

"(d) HALF OF LIMITATION ALLOCATED AMONG STATES.—

"(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to issuers within such State and such allocations may be made only if there is an approved State application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

"(3) MINIMUM ALLOCATIONS TO STATES.—

"(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of one-half of the national qualified school construction bond limitation under subsection (c) for the calendar year.

"(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(4) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(5) APPROVED STATE APPLICATION.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

"(i) health and safety problems at such facilities,

"(ii) the capacity of public schools in the State to house projected enrollments, and

"(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

"(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

"(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State education agency shall be binding if such agency reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

"(e) HALF OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

"(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

"(3) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(B) 1 of not more than 25 local educational agencies (other than those described in clause (i)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(4) APPROVED LOCAL APPLICATION.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the local educational agency with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

"(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

"(ii) the capacity of the agency's schools to house projected enrollments, and

"(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

"(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), and

"(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(5) shall apply for purposes of this paragraph.

"(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (e). The subsection shall not apply if such following calendar year is after 2002.".

(b) REPORTING.—Subsection (d) of section 6049 of such Code (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest'includes amounts includible in gross income under section 1397E(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1397E(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(c) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter U of chapter 1 of such Code is amended by striking the item relating to part IV and inserting the following new item:

"Part IV. Incentives for qualified public school modernization bonds.".

(2) Part V of subchapter U of chapter 1 of such Code is amended by redesignating both section 1397F and the item relating thereto in the table of sections for such part as section 1397H.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 1998.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—The repeal of the limitation of section 1397E of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act) to eligible taxpayers (as defined in subsection (d)(6) of such section) shall apply to obligations issued after December 31, 1997.

BILL SUMMARY

The Public School Modernization Act creates and expands tax incentives to help States and school districts meet their school modernization and construction priorities. The bill includes two major provisions.

QUALIFIED SCHOOL MODERNIZATION BONDS

The bill allows state and local governments to issue "qualified school modernization bonds" to fund the construction, modernization, and rehabilitation of public schools. Bondholders, instead of receiving interest, would receive annual Federal income tax credits. The maximum term of the bonds would be 15 years.

A total of $9.7 billion of authority to issue qualified school modernization bonds would be allowed in each of 1999 and 2000, half to States and half to the 100 school districts with the largest numbers of poor children (The District of Columbia is considered a State.) The authority allocated to the 100 large districts would be based on the amounts of Federal assistance received under Title I, Basic Grants. In addition, the Secretary of Education would have the authority to designate 25 additional districts to receive bond authority directly from the Federal government. The authority allocated to States would also be based on the State's share of Title I, Basic Grants, excluding the 100 large districts and any others designated by the Secretary to receive bond authority directly from the Federal government. A small portion of the total amount of bond authority would be set aside for each U.S. possession (other than Puerto Rico, which is considered a State) based on its share of the total U.S. poverty population. A State, possession, or eligible school district would be permitted to carry forward any unused portion of its allocation until September 30, 2003.

Under the proposal, a bond would be treated as a qualified school modernization bond if three requirements are met. First, the Department of Education must approve a school construction plan of the State, territory, or school district that: (1) demonstrates that a survey has been undertaken of the construction and renovation needs in the jurisdiction, (2) describes how the jurisdiction will assure that bond proceeds are used for the purposes of this proposal, and (3) explains how it will use its allocation to assist localities that lack the fiscal capacity to issue bonds on their own. Second, the issuing government must receive an allocation for the bond from the State, territory, or eligible district. Third, 95 percent or more of the bond proceeds must be used to construct or rehabilitate public school facilities.

QUALIFIED ZONE ACADEMY BONDS

The bill makes three changes to the existing qualified zone academy bonds (created in the Taxpayer Relief Act of 1997). First, the bill increases the 1999 bond cap from $400 million to $1.4 billion and adds an additional $1.4 billion of bond cap in 2000. Second, the bill expands the list of permissible uses of proceeds to include new school construction. Third, the bill sets the maximum term of qualified zone academy bonds at 15 years.

Qualified zone academy bonds can be used by school districts, starting this year, for school improvement purposes. The subsidy mechanism is the same as with the new school modernization bonds—Federal tax credits to bondholders in lieu of interest—but there are several requirements associated with zone academy bonds. First, schools must secure 10% of the funding for the school improvement project from the private sector before issuing the zone academy bonds. Second, the school must work with the private sector to enhance the curriculum and increase graduation rates and employment rates. Finally, in order to be eligible, the school must either have 35% of students eligible for the free- and reduced-price lunch program, or be located in an empowerment zone or enterprise community.

COST

The Joint Committee on Taxation estimates the total cost of this proposal is $3.3 billion/5 years and $9 billion/10 years. The Department of Treasury estimates the cost is $5 billion/5 years.

The proposal is fully paid for within President Clinton's balanced budget.

Mr. KENNEDY. Mr. President, I am honored to be a sponsor of the Public School Modernization Act of 1998, introduced today by Senator MOSELEY-BRAUN to help communities across the country in their struggle to modernize, repair, and rebuild their school facilities.

Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion just to repair existing facilities nationwide.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. 80% have at least one unsatisfactory environmental factor.

In Boston, many schools cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools complain that their heat is not working.

The leaking roof at Revere High School is so serious that the new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, those classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

State governments and local communities are working hard to meet these challenges. In Massachusetts, under the School Building Assistance Act, the state will pay 50–90% of the most severe needs. 124 schools now have approved projects, and are on a waiting list for funding. The state share should be $91 million this year, but only $35 million is available. More than 50 other projects are awaiting approval. With that kind of deficit at the state and local level, it is clear that the federal government has a responsibility to act.

I am pleased that President Clinton has made this issue one of his highest priorities. The legislation we are introducing will allow states and local governments to issue $22 billion in bonds over the next five years for school repairs and construction. Half of the amount will go to state governments, and the other half will go to the 100 cities across the nation with the largest numbers of low-income children, including Boston and Springfield. The bonds will be interest-free for the states and cities—Uncle Sam will pay the interest.

Under this plan, the state government in Massachusetts can issue $230 million in bonds for construction and renovation of school buildings. The City of Boston can issue an additional $90 million, and the City of Springfield can issue an additional $36 million, so that a total of $356 million in bonds will be available to help Massachusetts schools under this legislation.

Good teaching and good schools are threatened if school buildings are unsafe and need repairs. President Clinton has made it a top priority to see that America has the best public schools in the world. And my Democratic colleagues and I intend to do all we can to see that we reach that goal.

Investing in schools is one of the best investments America can possibly make. For schools across America, help is truly on the way—and it can't come a minute too soon.

By Mr. BINGAMAN:

S. 1706. A bill to amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window; to the Committee on Environment and Public Works.

THE DRUNK DRIVING CASUALTY PREVENTION ACT OF 1998

Mr. BINGAMAN. Mr. President, I rise briefly to discuss a very important matter relating to the safety of our Nation's streets and highways, DWI-related injuries and fatalities. This is a problem that in spite of many prevention efforts, remains a serious concern.

The statistics are compelling. For example, on Thanksgiving, Christmas, New Years Eve, and New Years Day 1996, there were 576 DWI-related fatalities on our Nation's highways. In that same year, nearly 1.1 million people were injured in alcohol-related crashes. Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds. About 3 in 10 Americans will be involved in an alcohol-related crash at some time in their lives. Alcohol-related crashes cost society $45 billion annually. To make matters worse, the loss of quality of life and pain and suffering costs total over $134 billion annually.

My home state of New Mexico is not exempt. In fact, the National Traffic Safety Administration reports that New Mexico leads the country in DWI-related deaths per capita, a rate of 11.79 deaths per 100,000 people. This rate is 19 percent higher than the No. 2 state, Mississippi, and is more than twice the national rate of 5.05 deaths per 100,000.

Indeed, these statistics paint a very grim picture. What makes this picture even more tragic, Mr. President, is that DWI-related injuries and fatalities are preventable. It clearly is within our national interest to do everything we can to reverse this course. One obvious way to prevent further deaths on our highways is to ensure the sobriety of drivers. That is why I proudly am cosponsoring Senator LAUTENBERG's and Senator DEWINE's bill to establish a national blood-alcohol content standard of .08. Additionally, I am cosponsoring Senator DORGAN's bill to prohibit open containers of alcohol in automobiles. I urge my Senate colleagues to help pass these bills this year.

Another contributing factor to the problem that I believe would make a significant difference if eliminated is the practice of selling alcohol beverages through drive-up sales windows. This practice only makes it more easy for a drunk driver to purchase alcohol, and it contributes heavily to the DWI-fatality rate in New Mexico. Eliminating these drive-up liquor windows is essential to reducing these injuries and fatalities.

When I was in New Mexico 2 weeks ago, I held a series of seminars with high school students from throughout the state, and I listened to their concerns about the problems in the state and in the country. One young man, Simon Goldfine, who is a student at Del Norte High School in Albuquerque, agreed that the DWI rate in New Mexico is much too high, and one reason he explained is these drive-in liquor windows. Simon explained that if a drunk person has to walk into a liquor store, it will be easier to determine if he is drunk than if he simply sat in his vehicle. And Simon asked if something could be done to eliminate the windows. Today I would like to tell Simon that we will do something about it.

Today, at Simon's urging, I am introducing legislation, the Drunk Driving Casualty Prevention Act of 1998 to prohibit the sale of alcohol through drive-up sales windows.

Mr. President, I believe no one in America will disagree with Simon that this ban will make a difference. According to one study, there are 26 states that do not permit drive-up windows. In 1996, these states had a 15 percent lower average drunk driving fatality rate than the 24 states that permit these windows. In the states with the ban, the average rate was 4.6 per 100,000 people, as opposed to 5.46 in all other states. On a percentage basis, states with a ban had a 14.5 percent lower drunk driving fatality rate than states that permit sales windows.

In 1996, comparing 19 western states in particular, the nine states with a ban had a 31 percent lower average drunk driving fatality rate than the ten states that permit the windows.

In 1995, there were 231 drunk driving fatalities in New Mexico. Based on the 14-percent lower drunk driving fatality rate, it is estimated that closing drive-up liquor windows could save between 32 and 35 lives annually in New Mexico. Nowhere is it more true that if we can save one life by closing these windows, we should do it.

The differences can be explained because there are three main benefits to closing drive-up liquor windows: first, it is easier and more accurate to check IDs over the sales counter. Minors have testified that it is very easy to illegally purchase alcohol at a drive-up window where it is difficult to determine their age. Second, it is easier to visually observe a customer for clues that they are impaired by alcohol or other substance if they have to walk into a well-lit establishment to make their purchase. Moreover, in one municipal court in New Mexico, 33 percent of DWI offenders reported having purchased their liquor at drive up windows. Some members of Alcoholics Anonymous say they now realize they could have known each other years earlier if they had only looked in their rear view mirror while in line at a drive-up window. And third, it sends a clear message to the population that drinking and driving will not be tolerated.

The Behavior Health Research Center of the Southwest conducted a study, the purpose of which was to determine the characteristics and arrest circumstances of DWI offenders who bought alcohol at a drive-up liquor window compared to those who obtained alcohol elsewhere. Nearly 70 percent of offenders studied reported having purchased the alcohol they drank prior to arrest. Of those offenders, 42 percent bought package liquor, and of those offenders, the drive-up window was the preferred place of purchase. Additionally, the study showed that drive-up window users were 68 percent more likely to have a serious alcohol problem than other offenders. Drive-up window users also are 67 percent more likely to be drinking in their vehicle prior to arrest than other offenders. This study showed that drive-up windows facilitate alcohol misuse in vulnerable populations. The persons most affected are the high-risk problem drinkers, and when liquor availability is restricted, it is among those offenders that use, and consequently alcohol-related offenses, declines the most.

There are some that may contend that closing these windows is going to hurt small businesses. To the contrary. Closing these drive-up liquor windows will actually help increase profits, and it is very easy to explain. When a customer has to walk into an establishment, he or she is very likely to purchase more than the original item. The customer is likely to pick up, for example, potato chips, sodas, and magazines. This is not as likely to happen at the drive-up window simply because the customers cannot see the items from their vehicle. In McKinley County, New Mexico, which is the only county in New Mexico to ban these windows, businesses actually saw a jump in profits. Most importantly, because of its DWI prevention strategy, McKinley County's alcohol-related injury and fatality rate dropped from 272 per 100,000 in 1989 to 183 per 100,000 in 1997.

Mr. President, I believe we have a great opportunity here to reduce DWI injuries and fatalities. Therefore, I plan to offer this bill as an amendment to the ISTEA legislation, and I urge my Senate colleagues to join me. I ask unanimous consent that the rest of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BAN ON SALE OF ALCOHOL THROUGH DRIVE-UP OR DRIVE-THROUGH SALES WINDOWS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Ban on sale of alcohol through drive-up or drive-through sales windows

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2000.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 1999, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2000, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law (including a regulation) that bans the sale of alcohol through a drive-up or drive-through sales window.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Ban on sale of alcohol through drive-up or drive-through sales windows.".

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. BUMPERS, and Mr. BYRD)

S. 1707. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Labor and Human Resources.

THE SAFETY OF IMPORTED FOOD ACT OF 1998

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Safety of Imported Food Act of 1998." I am proud to be the sponsor of this important legislation to provide the American people with safer imported foods. This legislation is part of President Clinton's food safety initiative. Its purpose is to provide for improved safety of imported food consistent with U.S. food safety requirements.

The bill expands FDA authority to ensure the safety of imported foods in two very important ways. It authorizes the Secretary to deny entry of imported food products if it is determined that the products do not meet the U.S. food safety requirements. It also authorizes the secretary to consider, in determining whether imported food products meet U.S. food safety requirements, a refusal to allow necessary inspections or testing.

Our nation's food supply has gone global. Once our imported food consisted mainly of bulk staples. Now we import growing quantities of fresh fruits and vegetables, seafood, and many other foods. Thirty-eight percent of all fruit and 12% of all vegetables consumed in the U.S. are imported. Imported food entries doubled in the last

7 years and a 30% increase is expected by 2002.

We have been put on alert by recent cases of food borne illness. Michigan school children were sickened by imported strawberries contaminated by Hepatitis A. There have been widespread reports of cyclospora from imported raspberries. Soft cheese from Europe has been found to be contaminated with listeria and salmonella. And radish seed sprouts from the Far East have been found infected with Ecoli 0157:H7.

The impact of unsafe food is staggering. As many as 33 million people become ill each year from contaminated meat, poultry and produce. Over $3 billion are spent in hospitalization due to food related illness. Added to that are the losses in productivity.

Now that our food supply has gone global, our food safety measures must go global as well. Current authority requires FDA to rely on inspection and testing at the border to ensure that safety standards are met. With the ever increasing quantities of imported foods, it is impossible for FDA to inspect more than a small percentage of shipments. Additionally, such inspections are often impractical, given the perishable nature of many of the imported foods. The FDA may also place more general restrictions on imports, but only after a problem has surfaced, often after a major outbreak of illness has occurred. Both of these types of measures address the problem of unsafe food reactively.

The "Safety of Imported Food Act" places the emphasis on the underlying food system of control at the food source, a more preventive means of addressing food safety. It focuses on the conditions that cause problems rather than the problem once it has occurred. By allowing FDA to consider the food safety system in place, the bill provides the means by which FDA can use its limited resources more efficiently.

There are several things this bill does not do. It does not shut our borders or immediately deny entry of imported food upon enactment. It does not require inspections or access without consent. In fact, it does not create any new inspection authority, either foreign or domestic.

The bill is short, but what it will achieve is significant. It will provide FDA with authority to ensure that all imported foods meet the U.S. level of protection, consistent with rights and obligations under international trade agreements. It provides FDA with a more effective enforcement tool and the ability to use its resources more effectively. Under the bill, foreign producers may have an incentive to upgrade their food safety systems. Most importantly, the bill will provide the American public with greater assurance that imported foods meet the same safety standards as do foods produced in the U.S.

I wish to commend President Clinton and Vice President GORE in making food safety a top priority. By strengthening the food supply both here and abroad, I believe we make the world a safer place to live. I look forward to the Senate's support of this important legislation.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. DODD, Mrs. BOXER, Mr. BREAUX, Mr. ROBB, Mr. LEVIN, Mr. LAUTENBERG, Mr. GLENN, Mr. KERRY, Mrs. FEINSTEIN, Mr. REID, Mr. REED and Mr. BRYAN):

S. 1708. A bill to improve education; to the Committee on Labor and Human Resources.

THE REVITALIZE AND EMPOWER PUBLIC SCHOOL COMMUNITIES TO UPGRADE FOR LONG-TERM SUCCESS ACT

Mr. DASCHLE. Mr. President, today I am introducing on behalf of my colleagues, Senators MURRAY, MOSELEY-BRAUN, KENNEDY, DODD, BOXER, BREAUX, ROBB, LEVIN, LAUTENBERG, GLENN, KERRY, FEINSTEIN, REID, REED, BRYAN and myself, legislation that puts the spotlight directly on our efforts to strengthen and modernize our nation's public schools.

We recognize that a strong public education system is the key to America's future. Our economic prosperity, our position as a world leader, our system of law, and our very democracy require that all of our children have access to the best possible education.

We have heard a lot over the last 20 years about the things that are wrong with education in this country, and there's no question that we need to do some things better. We just learned the other day, for example, that our 12th graders are behind the rest of the world in math and science achievement. That is unacceptable and must be corrected. But there are signs that we have been able to make some progress. Our fourth-graders are well above the average in mathematics and near the top in science. And there are innovative programs springing up around the country that are taking advantage of federal funds to make remarkable changes in the way public schools are run. The City of Chicago, for example, has taken dramatic steps including ending social promotions, raising their standards, and providing extra help to make sure that children can achieve those standards. Parents and community members are more involved , and, while it's too early to see results in terms of test scores, there are dramatic improvements in attendance. Those who are involved are amazed at their progress.

Despite many local improvements, our schools still face many challenges. Student enrollments are at record high levels and are expected to increase over the next decade. This growth, combined with aging buildings and the demand of technology, is straining many school facilities. Growing enrollments and teacher retirements also mean that more than 2 million new teachers will be needed over the next decade. The quality of those teachers will have a significant impact on student achievement levels. Recent advancements require better integration of technology in our public schools and better training for instructors in using technology effectively in the classroom. While many schools have implemented reforms and student performance is improving in some communities, too many children, particularly those from low-income families, are still not learning up to their potential.

The legislation we are introducing today—the RESULTS Act—will addresses these issues in 5 ways:

(1) We create a new tax credit to help communities offset the cost of school construction and modernization;

(2) We provide funds to help communities reduce class sizes in grades 1 through 3 by hiring and training 100,000 new teachers;

(3) We help communities establish additional after-school programs for school-aged children;

(4) We advance the federal commitment to integrate technology into the classroom and provide resources to train teachers to use that technology effectively; and

(5) We include the President's initiative to provide grants to high-poverty urban and rural school districts that are serious about carrying out standards-based reforms, such as those occurring in Chicago, to improve student achievement.

Mr. President, Democrats recognize that the federal government has an important role to play in encouraging all Americans—including parents, teachers, business and community leaders, and elected officials at all levels of government—to work in partnership to strengthen and revitalize our public schools. Our nation's commitment to a strong system of public education has made our country great. We renew that commitment today with this plan to prepare our students to lead this country into the 21st Century. I thank my colleagues who have worked with me to demonstrate our resolve to modernize and strengthen our public schools and invite our colleagues across the aisle to make the same commitment and join us to enact the important legislation.

I ask unanimous consent that a title-by-title explanation of the bill, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

S. 1708—SUMMARY

TITLE I—HELPING COMMUNITIES RENOVATE AMERICA'S SCHOOLS

The General Accounting Office has found severe school disrepair in all areas of the United States. More than 14 million children attend schools in need of extensive repair or replacement. The repair backlog totals at least $112 billion, and this does not include expansions needed to accommodate enrollment increases, class size reductions, and integration of technology in the classroom. The problem transcends demographic and geographic boundaries. For 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least 1 building is in need of extensive repair or should be completely replaced.

The condition of school facilities has a direct effect on the safety of students and teachers, and on the ability of students to learn. Researchers at Georgetown University found the performance of students assigned to schools in poor condition falls 10.9 percentage points below those attending classes in buildings in excellent condition. Other studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a dilapidated facility to a new facility.

This Title includes 2 initiatives to expand tax incentives to help states and school districts address the school construction backlog.

QUALIFIED SCHOOL MODERNIZATION BONDS

State and local governments will issue qualified school modernization bonds to fund the construction, modernization, and rehabilitation of public schools. Bondholders will receive annual Federal income tax credits in lieu of interest. The maximum term of the bonds will be 15 years.

A total of $9.7 billion of authority to issue qualified school modernization bonds is allocated in 1999 and 2000—50 percent to states and 50 percent to the 100 largest school districts. The authority allocated to the 100 largest districts will be based on the amounts of Federal assistance received under Title I, Basic Grants. In addition, the Secretary of Education will have the authority to designate 25 additional districts to receive bond authority directly from the Federal government. The authority allocated to States will also be based on the State's share of Title I, Basic Grants, excluding the 100 large districts and any others designated by the Secretary to receive bond authority directly from the Federal government.

I should note that I would prefer to provide more funds to the states to make sure that rural areas, many of which are severely limited financially, have access to the funds they need to modernize their schools as well. However, this bill reflects a joint House and Senate Democrats and White House initiative, so I have not made that change in this bill.

To be treated as a qualified school modernization bond program, 3 requirements must be met. First, the Department of Education must approve a school construction plan of the state, territory, or school district that: (1) demonstrates a survey of the construction and renovation needs in the jurisdiction has been undertaken; (2) describes how the jurisdiction will assure that bond proceeds are used for the purposes of this proposal; and (3) explains how it will use its allocation to assist localities that lack the fiscal capacity to issue bonds on their own. Second, the issuing government must receive an allocation for the bond from the State, territory, or eligible district. Third, 95 percent or more of the bond proceeds must be used to construct or rehabilitate public school facilities.

QUALIFIED ZONE ACADEMY BONDS

The bill makes 3 changes to the existing qualified zone academy bonds (created in the Taxpayer Relief Act of 1997). First, the bill increases the 1999 bond cap from $400 million to $1.4 billion and adds an additional $1.4 billion of bond cap in 2000. Second, the bill expands the list of permissible uses of proceeds to include new school construction. Third, the bill sets the maximum term of qualified zone academy bonds at 15 years. The subsidy mechanism is the same as with the new school modernization bonds—Federal tax credits to bondholders in lieu of interest—but there are several requirements associated with zone academy bonds. First, schools must secure 10 percent of the funding for the school improvement project from the private sector before issuing the zone academy bonds. Second, the school must work with the private sector to enhance the curriculum and increase graduation and employment rates. Finally, in order to be eligible, the school must either have 35 percent of students eligible for the free- and reduced-price lunch program, or be located in an Empowerment zone or enterprise community.

TITLE II—REDUCING CLASS-SIZE

Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other administrative tasks, cover more material more effectively, and work more closely with parents. Research has shown that students attending small classes in the early grades make better progress than students in larger classes, and that those achievement gains persist through at least the eighth grade. The benefits are greatest for low-achieving, minority, poor, and inner-city children. Smaller classes also allow teachers to identify and work earlier with students who have learning disabilities, potentially reducing those students' need for special education in later grades.

Efforts to reduce class sizes are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions, and if teachers receive intensive, ongoing training in teaching effectively in smaller classroom settings. Currently, 1 in 4 high school teachers do not have a major or minor in the main subject they teach. This is true for more than 30 percent of math teachers. In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or math teacher who holds a degree in that field.

Over the next decade, we will need to hire over 2 million teachers to meet increasing student enrollments and teacher retirements. Comprehensive improvements in teacher preparation and development are needed to ensure students' academic success. Too many teachers graduating today have insufficient experience in the classroom or are unprepared to integrate technology into their lessons. The federal government can assist in this effort by providing resources to help communities reduce class sizes and improve the quality of teacher training.

This program is designed to help states and local educational agencies recruit, train, and hire 100,000 additional qualified teachers in order to reduce class sizes nationally, in grades 1 to 3 to an average of 18 students per classroom. In addition, the program provides resources to improve small classroom teaching in the early grades so that all students can learn to read well and independently by the end of the third grade. Funding of $1.1 billion will be appropriated in the first year and $7.3 billion over 5 years.

I want to emphasize that our proposal is aimed at improving the quality of teaching, not just the quantity of teachers. This is critical if we expect to see improvements in student achievement.

TITLE III—EXPANDING AFTER-SCHOOL CARE

Many children spend more of their waking hours without supervision and constructive activity than they do in school. As many as 5 million children are home alone after school each week. Too many of these children are tempted during this time to try cigarettes, alcohol, marijuana and engage in other dangerous activities. The law enforcement community, which has been very active in their efforts to focus our attention on this problem, reports that most juvenile involvement in crime—either committing them or becoming victims themselves—occurs between 3 p.m. and 8 p.m. Children who attend quality after-school programs, on the other hand, tend to do better in school, get along better with their peers, and are less likely to engage in delinquent behaviors. Unfortunately, only one-third of the schools in low-income neighborhoods and half of the schools in affluent areas currently offer after-school programs. Expansion of both school-based and community-based after-school programs is key to providing safe, constructive environments for children and helping communities reduce the incidence of juvenile delinquency and crime.

This bill expands the 21st Century Learning Centers Act and provides $200 million each fiscal year to help communities develop after-school care programs. Grantees will be required to offer expanded learning opportunities for children and youth in the community. Funds could be used to provide:

(1) literacy programs;

(2) integrated education, health, social service, recreational or cultural programs;

(3) summer and weekend school programs;

(4) nutrition and health programs;

(5) expanded library services;

(6) telecommunications and technology education programs;

(7) services for individuals with disabilities;

(8) job skills assistance;

(9) mentoring;

(10) academic assistance; and

(11) drug, alcohol, and gang prevention activities.

While expanding after-school programs in public schools will help hundreds of thousands of children. It is important to note that many other community-based organizations, including YMCAs, and Campfire Boys and Girls, provide high quality programs for children as well. These programs also need and deserve federal assistance, since it is unlikely that schools will be able to meet the needs of all children. While school-based care is the focus of this legislation, many Democratic Senators and I also strongly support providing additional resources for after-school care through other programs, and we would also like to see greater coordination among all federal, state, and local programs in order to maximize the effective use of public resources and encourage more collaborative efforts at the local level.

TITLE IV—PROMOTING EFFECTIVE USE OF TECHNOLOGY IN THE CLASSROOM

Americans agree that integrating technology effectively in the classroom must be a central component of preparing students for the 21st Century. Fully 74 percent of Americans believe that computers improve the quality of education and half believe their public schools offer too little access to adequate computers.

The importance of strengthening students' technology skills cannot be underestimated. Nearly one quarter of the jobs added to our economy in the past year were in technology-based occupations. By the year 2000, 60 percent of all jobs in the nation will require skills in computer and network use. Just 22 percent of all workers have those skills today.

Incorporating technology effectively in the classroom has been proven to improve students' mastery of basic skills, test scores, writing, and engagement in school. With these gains comes a decrease in dropout rates, as well as fewer attendance and discipline problems.

We are making progress. While only 35 percent of schools had access to the internet in 1996, now 78 percent are on-line. The Schools and Libraries Universal Service Fund, or "E-rate," will provide up to $2.25 billion annually in discounts to assure every American school and library access to telecommunications services, internal connection, and Internet access. More than 20,000 schools and libraries have already applied to participate in this program. The National Governors' Association has urged Congress to maintain the integrity of the E-rate, and provide adequate funding for this important program now.

Many states and localities are taking good advantage of other Federal programs such as the Technology Literacy Challenge Fund, Technology Innovation Challenge Grants, Star Schools and other programs to obtain equipment and wire schools. Additional resources are needed to continue this effort as well as help train teachers in the effective use of technology in the classroom.

This legislation states that it is in the Nation's interest to invest at least $4 billion in funding for Department of Education technology programs between fiscal years 1999 and 2003.

We also require schools and libraries participating in the E-rate to establish policies to limit access to inappropriate material. Our bill also includes several measures to increase Federal resources to improve professional development and help teachers integrate technology into the classroom. Under our proposal, 30 percent of National Challenge Grant for Technology grants will be directed to partnerships that are focused on developing effective teaching strategies. To improve training and preparation of teaching candidates and new teachers, the Secretary will be authorized to award grants to partnerships that train candidates and education school faculty in the effective use and integration of technology in teaching academic subjects.

The bill establishes $75 million in grants to be managed jointly by the Office of Education Research and Innovation and the National Science Foundation to support innovative research in education technology, development of research results in partnerships with the private sector, and evaluation that identifies the most effective approaches to implementing education technology.

TITLE V—EDUCATION OPPORTUNITY ZONES

Students in schools where a high proportion of children come from lower-income families begin school behind their peers academically and, too often, never catch up with their peers. Later on, they are less likely to go to college and more likely to experience unemployment. High levels of poverty and the lack of resources has resulted in watered down curricula, lowered expectations for their students, and fewer qualified teachers. These challenges are compounded in high-poverty rural schools because of their isolation and small size.

Some high-poverty schools have shown, however, that students can achieve more if the schools adopt high standards for students, teachers and administrators, provide extra help to students, adopt proven systemic reforms, and hold schools, staff, and students accountable for the results.

This program will provide $200 million in FY1999 and $1.5 billion over 5 years to high-poverty urban and rural school districts that are serious about carrying out standards-based reform plans to improve the academic achievement. Grants will be awarded to approximately 50 districts that:

(1) agree to adopt high standards, test student achievement, and provide help to students, teachers and schools who need it;

(2) ensure quality teaching, challenging curricula, and extended learning time; and

(3) end social promotion and take steps to turn around failing schools.

Lessons learned from these districts will be shared with schools across the country. Schools will be encouraged to provide students and parents with school report cards and expanded choices with public education.

Awards will be made according to a competitive, peer review process. Consortia of large and small urban areas, and rural school districts will be selected to participate.

Schools run by the Bureau of Indian Affairs are also eligible.

Successful applicants will have broad-based partnerships to support their reforms, including parents, teachers, local government, business, civic groups, institutions of higher education and other members of the community.

Mr. KENNEDY. Mr. President, President Clinton and Democrats in Congress have made it a top priority to see that America has the best public schools in the world—and we intend to do all we can to see that we reach that goal.

The nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard. The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's twelfth graders ranked among the lowest of the 22 nations participating in this international survey of math and science.

The challenge is clear. We must do all we can to improve teaching and learning for all students across the nation. That means:

We must continue to support efforts to raise academic standards.

We must test students early, so that we know where they need help in time to make that help effective.

We must provide better training for current and new teachers, so that they are well-prepared to teach to high standards.

We must reduce class size, to help students obtain the individual attention they need.

We must provide after-school programs to make constructive alternatives available to students and keep them off the streets, away from drugs, and out of trouble.

We must provide greater resources to modernize and expand the nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

I will do all I can to see that the "RESULTS! Act"—"An Act to Revitalize and Empower Schools to Upgrade for Long-Term Success"—is approved by Congress. The bill will help modernize and expand the nation's schools, reduce class size, expand after-school care, improve education technology in schools, and create education opportunity zones in communities across the country.

A necessary foundation for a successful school is a qualified teacher in every classroom to make sure young children receive the individual attention they need. That's why a pillar of the Democratic agenda is to help bring 100,000 new teachers to schools and reduce class size in the elementary grades.

Research has shown that students attending small classes in the early grades make more rapid progress than students in larger classes. The benefits are greatest for low-achieving, minority, and low-income children. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities, and reduce the need for special education in later grades.

Many states are also considering proposals to reduce class size—but you can't reduce class size without the ability to hire additional qualified teachers to fill the additional classrooms.

Too many schools are already understaffed. During the next decade, rising student enrollments and massive teacher retirements mean that the nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

The teacher shortage has forced many school districts to hire uncertified teachers, and ask certified teachers to teach outside their area of expertise. Each year, more than 50,000 under-prepared teachers enter the classroom. One in four new teachers does not fully meet state certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner-city schools have only a 50% chance of being taught by a qualified science or math teacher. In Massachusetts, 30% of teachers in high-poverty schools do not even have a minor degree in their field.

Our proposal will reduce class size in grades K–3 to a nationwide average of 18 by hiring more teachers. Under our proposal, states and school districts will be able to recruit, train and hire 100,000 additional qualified teachers in order to reduce class size and improve teaching and learning in these early grades. In the first year, Massachusetts will receive $22 million to support these efforts. We will also be working through the Higher Education Act to improve teacher training at colleges and universities.

Our proposal will also help schools meet their urgent needs for construction, modernization, and renovation. Schools across the nation face serious problems. Many are overcrowded. Many others have antiquated facilities suffering from physical decay, with no ability to handle the needs of modern education. Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. Eighty percent have at least one unsatisfactory environmental factor.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, those classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

It will take over $100 billion just to repair existing facilities. Obviously, the federal government cannot do the whole job. But states and communities across the country are working hard to meet these needs, and the federal government should do more to help.

This year, Revere, Massachusetts passed a $2.2 million bond issue to renovate the roofs on three of its seven schools. After these renovations were completed, a fourth school's roof started to leak. The leak is so serious that the school's new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

Last year, half of Worcester's schools were not equipped with the wiring and infrastructure to handle modern technology.

Enrollment in Springfield schools has increased by over 1,500 students, or 6 percent, in the last two years, forcing teachers to hold classes in storage rooms, large closets, and in basements.

Our proposal will authorize states and local governments to issue $22 billion in bonds for school repairs and construction. Part of the amount will go to state governments and part will go to the 100 cities across the nation with the largest numbers of low-income children, including Boston and Springfield. The bonds will be interest-free for the states and cities—Uncle Sam will pay the interest.

Our legislation also addresses the urgent need to provide effective activities for children of all ages during the many hours each week when they are not in school.

Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 8 p.m. Children unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

Our goal in this legislation is to encourage communities to develop activities that will engage children and keep them out of trouble. Crime survivors, law enforcement representatives, prosecutors, and educators have all joined together in calling for a substantial federal investment in after-school programs.

Clearly, such financial assistance is needed in states across the country. Too often, parents cannot afford the thousands of dollars a year required to pay for after-school care, if it exists at all. In Massachusetts, 4,000 eligible children are on waiting lists for after-school care, and tens of thousands more have parents who have given up on getting help. Nationwide, half a million eligible children are on waiting lists for federal child care subsidies. The need for increased opportunities is obvious and this legislation attempts to meet it.

Our bill will provide $1 billion over the next 5 years for after-school programs, to enable public school districts in partnership with community-based organizations to bring millions more children, including disabled children, into such programs, and make schools into community learning centers as well.

This proposal will help communities to increase the availability of after-school programs. It will support efforts in Boston to make after-school services available to as many children as possible. Boston's 2-to-6 Initiative will serve an additional 3,000 young people over the next four years, keep school buildings open for city programs and non-profit programs, and challenge private sector leaders to double the number of available after-school jobs to 1,000 over the next two years.

The proposed expansion of the 21st Century Community Learning Center program will enable schools and communities to create programs that meet their after-school needs—and obtain the extra resources required to make it happen.

Our bill also proposes to help failing schools implement the reforms that they know will turn them around. Too many schools now struggle with watered-down curricula, low expectations, fewer qualified teachers, and fewer resources than other schools.

Under the Education Opportunity Zones proposal, these school districts will get the extra resources they need in order to increase achievement, raise standards, end social promotion, upgrade teacher skills, and strengthen ties between the schools, the parents, and the community as a whole.

The bill also calls for continued investment in education technology, so that cutting-edge technology will be available to as many students as possible. That means we must continue to invest more in computers, software, and high-tech training for teachers, so that every child has the opportunity to use technology as an effective learning tool.

Investing in students and teachers and schools is one of the best investments America can make. For schools across America, help can't come a minute too soon, and I urge Congress to enact this legislation as expeditiously as possible. The message to schools across the country today is clear—help is finally on the way.

Ms. MOSELEY-BRAUN. Mr. President, I want to commend the Democratic leader, Senator DASCHLE, for assembling this important legislation, and I want to thank President Clinton for articulating a vision for America that includes a significant federal commitment toward improving the quality and accessibility of education for all Americans. The RESULTS Act is designed to help fulfill that commitment, and represents the type of action this Congress should take to prepare America for the 21st century.

I visited a number of schools in Illinois over the past several months, and talked with parents, teachers, children, and school officials at the elementary, secondary, and postsecondary levels. I found that without exception, education is at the top of their minds. Illinoisans, like most Americans, support policies designed to help ensure that America remains preeminent in the intensely competitive, global economy of the 21st century.

Last year, this Congress took historic measures to improve the accessibility of quality higher education, with the enactment of President Clinton's HOPE Scholarship and Lifetime Learning tax credits. We also restored the student loan interest deduction, so that graduates now receive a Federal income tax deduction when they make interest payments on their student loans. I intend to work this year to broaden the deduction we created last year, so that more former students, struggling under a burden of debt that has grown enormously in recent years, can make ends meet.

Now, this Congress must act to improve the quality of elementary and secondary education available to our children. We must act to ensure that as we approach the 21st century, no child is left behind. We must act to ensure that no child is forced to try to learn in an overcrowded classroom or a crumbling school, and that every child has access to the kinds of technologies he or she will need to understand to compete in the next millennium.

The RESULTS Act will help States and school districts improve their schools for the 21st century, and includes a number of very important provisions, including a plan to create a new partnership between the Federal government and State and local governments to rebuild and modernize our school buildings. Under this new proposal, States and school districts would be able to issue new, zero-interest bonds to modernize and build schools. Bondholders would receive Federal income tax credits in lieu of interest payments. Using this mechanism, the Federal government can leverage almost $22 billion worth of school improvements, at a cost of only $3.3 billion over the next five years, according to the Joint Committee on Taxation.

According to the U.S. General Accounting Office, it will cost $112 billion to bring existing school buildings up to code—to patch the leaky roofs, replace the broken windows, fix the plumbing, and make other needed repairs. That price tag, as enormous as it sounds, does not include the cost of building new schools to accommodate the record numbers of children who are crowding our schools, nor the cost of upgrading classrooms for modern computers.

This problem has overwhelmed the fiscal capacities of state and local authorities. It is a problem affecting all areas of the country, because it is a direct result of the antiquated way we pay for public education in this country. The local property tax, which made sense as a funding mechanism when wealth was accumulated in the form of land, no longer works as a means of funding major capital investments. In urban, rural, and suburban schools all across the country, the magnitude of the crumbling schools problem has dwarfed local financing capabilities. It is a problem that directly affects the ability of students to learn, teachers to teach, and schools to implement the kinds of educational reform efforts that parents are demanding to improve the quality of education in this country.

According to academic data correlating building conditions and student achievement, children in these decrepit classrooms have less of a chance. Their education is at risk. They will be less able to compete in the 21st century job market. Ultimately, we will all come out on the losing end. America can't compete if its students can't learn, and our students can't learn if their schools are falling down.

The legislation being introduced today gives Congress a historic opportunity to jump start the process of rebuilding, renovating, modernizing, and constructing new schools to meet the needs of all our children into the 21st century. The RESULTS Act engages the federal government in the support of elementary and secondary education in a way that preserves local control of education. In the same way the federal government helps finance highways, but the state and local governments decide where the roads go, the federal government can help state and local authorities rebuild our schools. America has a $112 billion infrastructure problem that makes it increasingly difficult for our students to learn the skills they will need to keep America competitive in the 21st century. Now is the time for Congress to act.

I want to congratulate the Democratic leader again for his work on this bill, as well as President Clinton and Secretary Riley, who helped shape many of its provisions. I hope the 105th Congress will approve this legislation quickly, and renew the promise embodied in the words of the 19th century American poet James Russell Lowell, who wrote: ". . . [I]t was in making education not only common to all, but in some sense compulsory on all, that the destiny of the free republics of America was practically settled."

By Mr. SPECTER:

S. 1709. A bill to authorize the Secretary of Labor to provide assistance to States for the implementation of enhanced pre-vocational training programs, in order to improve the likelihood of enabling welfare recipients to make transitions from public assistance to employment, and for other purposes; to the Committee on Labor and Human Resources.

THE JOB PREPARATION AND RETENTION TRAINING ACT OF 1998

Mr. SPECTER. Mr. President, I have sought recognition to introduce vocational training legislation, entitled the "Job Preparation and Retention Training Act of 1998," which is designed to respond to the need for pre-vocational training assistance to enable welfare recipients to make the transition from public assistance to work.

I believe that the historic 1996 welfare reform law will serve the American people well by ending systemic dependence and creating a program that emphasizes employment—gainful and permanent employment—by giving the States greater flexibility in administering their programs. We are already hearing about the rise in employment rates and the substantial drops in State welfare rolls.

While many Americans have effectively made the transition from welfare to work, a need exists for skills training to enable many of the individuals who have been long-term welfare recipients to make transitions into unsubsidized employment that provides career potential and enables the individuals to achieve economic self-sufficiency.

Mr. President, as Chairman of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee, I believe that it would be worthwhile to recognize the need for pre-vocational training, a type of training that is not formally offered by the U.S. Department of Labor.

Current Federal law does not adequately address the tremendously negative effect of unfavorable environmental and cultural factors on the ability of such individuals to obtain and retain gainful employment.

I believe that a Federal commitment to the development of pre-vocational training programs should focus on: improving the job readiness of individuals who are welfare recipients and preparing the individual psychologically and attitudinally for employment.

The bill I am introducing today would authorize funding for States to enroll chronic welfare dependents into a training program which would provide the necessary skills to locate and maintain employment. The Secretary of Labor would award States grants on a competitive basis for use in teaching individuals to fulfill workplace responsibilities such as punctuality, literacy, communication, and other survival skills. Once an adult has completed this short period of training, he or she would be prepared to get the most out of their job training and unsubsidized employment opportunities. The $50 million authorization would be provided for each of the next two years. The sunset will provide a chance to determine the program's efficacy. Further, training funds would be limited to no more than $1,200 per individual, which I am advised is a realistic cost of skills training and job placement programs.

Many community-based organizations across the country have already recognized this need and are providing pre-vocational training. In this limited context, we have found that prevocational trainees have fared much better in the economy. I am advised that one such community-based organization, the Opportunities Industrialization Centers of America, Inc., has found that the average hourly wage of trainees prior to pre-vocational training was $3.70, not even a minimum wage. After receiving pre-vocational training, these same participants started earning an average of $8.00 an hour. Further, pre-vocational training resulted in an 85% placement rate into better-paying jobs.

I encourage my colleagues to join me in sponsoring this legislation. This bill is intended to enhance welfare reform and it does not tamper with the positive changes in existing law, such as the five-year time limit. Simply, I am asking for continued federal involvement in ending generational welfare.

By Mr. COCHRAN (for himself, Mr. LEVIN, Mr. LEAHY, Mr. STEVENS, Mr. ROBB, Mr. WARNER, Mr. SARBANES, and Ms. MIKULSKI) (by request):

S. 1710. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

THE RETIREMENT COVERAGE ERROR CORRECTION ACT OF 1998

Mr. COCHRAN. Mr. President, today I am introducing, at the request of the Administration, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code—specifically, current and former federal employees who should have been placed in the Federal Employee Retirement System (FERS), but were misclassified as Civil Service Retirement System (CSRS) or CSRS Offset.

The federal government's transition from CSRS to FERS began in 1984. As government agencies carried out the complex job of applying two sets of transition rules, mistakes were made, and thousands of employees were placed in the wrong retirement system—many learning that their pensions would be less than expected. The Administration's proposal, "The Federal Retirement Coverage Corrections Act," would provide employees with a choice between corrected retirement coverage and the coverage the employee expected to receive, without disturbing Social Security coverage law.

I think this bill deserves the careful consideration of the Senate. As Chairman of the Governmental Affairs Subcommittee with jurisdiction over the subject, I will try to ensure a thorough review of all the options for dealing with this issue.

Among the provisions of the bill, are the following:

(1) Generally, errors of less than 3 years would not be eligible for corrective action.

(2) Social Security-covered employees who were erroneously CSRS covered or CSRS Offset covered, may elect to be retroactively under either CSRS Offset or Social Security-only coverage.

(3) CSRS covered, CSRS Offset covered or Social Security-only covered employees who were erroneously FERS covered will be deemed to have elected FERS coverage and will remain covered by FERS, unless the employee declines it.

(4) Generally, FERS covered employees, former employees, and annuitants who were erroneously CSRS covered or CSRS Offset covered, may elect retroactive coverage under either CSRS Offset or FERS coverage. However, this election may not be available or may be subject to adjustment under certain very limited circumstances.

(5) A Thrift Plan make-whole provision to provide the earnings that are now disallowed on the employee's make-up contributions.

(6) Provisions are included to deal with the retroactive application of Social Security upon the correction of a retirement coverage error in which an employee was erroneously covered by CSRS.

(7) The Director of OPM is given discretionary authority to waive time limits, reimburse necessary and reasonable expenses and compensate losses, and waive specified repayments; and finally

(8) Costs of the "Retirement Coverage Error Correction Act" would be paid from the Civil Service Retirement Fund, and OPM would be authorized to spend money from that Fund to administer the Act.

I invite Senators to join in this effort to address a serious problem affecting many federal employees.

I ask unanimous consent that a copy of the bill and a section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Retirement Coverage Error Correction Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds that a number of Government employees have been placed under erroneous retirement coverage during the transition from the Civil Service Retirement System to the Federal Employees Retirement System. When these errors are of significant duration, they adversely affect an employee's ability to plan for retirement. It is the purpose of this Act to provide a remedy that treats all such individuals fairly and reasonably, and demonstrates the Government's concern for its employees who have been disadvantaged by a Government error in their retirement coverage. Affected employees should have a choice between corrected retirement coverage and the benefit the employee would have received under the erroneous coverage, without disturbing Social Security coverage law.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) "Annuitant" means an individual described by section 8331(9) or 8401(2) of title 5, United States Code;

(2) "CSRS" means the Civil Service Retirement System established under subchapter III of chapter 83 of title 5, United States Code;

(3) "CSRS covered" means subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, including full CSRS employee deductions;

(4) "CSRS Offset covered" means subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, including reduced CSRS employee deductions;

(5) "Director" means the Director of Office of Personnel Management;

(6) "FERS" means the Federal Employees Retirement System established under chapter 84 of title 5, United States Code;

(7) "FERS covered" means subject to the provisions of chapter 84 of title 5, United States Code;

(8) "OASDI employee tax" means the Old Age, Survivors and Disability Insurance tax imposed on wages under section 3101(a) of the Internal Revenue Code of 1986;

(9) "OASDI employer tax" means the Old Age, Survivors and Disability Insurance tax imposed on wages under section 3111(a) of the Internal Revenue Code of 1986;

(10) "OASDI taxes" means the sum of the OASDI employee tax and OASDI employer tax;

(11) "former employee" means an individual who formerly was a Government employee, but who is not an annuitant;

(12) "Office" means the Office of Personnel Management;

(13) "Retirement coverage determination" means the determination by an agency whether employment is CSRS covered, CSRS Offset covered, FERS covered, or Social Security only covered;

(14) "Retirement coverage error" means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986;

(15) "Service" means a period of civilian service that is creditable under section 8332 or 8411 of title 5, United States Code;

(16) "Social Security-only covered" means employment under section 3121(b) of the Internal Revenue Code of 1986, subject to OASDI taxes, but not CSRS covered, CSRS Offset covered, or FERS covered; and

(17) "Survivor" means an individual described by section 8331(10) or 8401(28) of title 5, United States Code.

SEC. 4. ERRORS OF LESS THAN 3 YEARS EXCLUDED.

Except as otherwise provided in this Act, an erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986, is not covered by this Act.

SEC. 5. SOCIAL SECURITY-ONLY COVERED EMPLOYEES WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies in the case of a retirement coverage error in which a Social Security-only covered employee was erroneously CSRS covered or CSRS Offset covered.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (3).

(2) In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such an individual shall be CSRS Offset covered, retroactive to the date of the retirement coverage error.

(3) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be CSRS Offset covered or Social Security-only covered, retroactive to the date of the retirement coverage error. If the individual does not make an election prior to the deadline, the individual shall remain CSRS Offset covered.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(3).

(2) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations, to be CSRS Offset covered or Social Security-only covered, retroactive to the date of the retirement coverage error.

(3) If an eligible individual does not make an election under paragraph (2) prior to the

deadline, the corrective action previously taken shall remain in effect.

SEC. 6. SOCIAL SECURITY-ONLY COVERED EMPLOYEES NOT ELIGIBLE TO ELECT FERS WHO WERE ERRONEOUSLY FERS COVERED.

(a) This section applies in the case of a retirement coverage error in which a Social Security-only covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (2).

(2) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be FERS covered or Social Security-only covered, retroactive to the date of the retirement coverage error. If the individual does not make an election prior to the deadline, the individual shall remain FERS covered, retroactive to the date of the retirement coverage error.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(2).

(2) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations to be FERS covered or Social Security-only covered, retroactive to the date of the retirement coverage error.

(3) If an eligible individual does not make an election under paragraph (2) prior to the deadline, the corrective action previously taken shall remain in effect.

SEC. 7. CSRS COVERED, CSRS OFFSET COVERED, AND FERS-ELIGIBLE SOCIAL SECURITY-ONLY COVERED EMPLOYEES WHO WERE ERRONEOUSLY FERS COVERED WITHOUT AN ELECTION.

(a) If an individual was prevented from electing FERS because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act of 1986, the individual is deemed to have elected FERS coverage and will remain covered by FERS, unless the individual declines, under regulations promulgated by the Office, to be FERS covered, in which case the individual will be CSRS covered, CSRS Offset covered, or Social Security-only covered; as would apply in the absence of a FERS election, retroactive to the date of the erroneous retirement coverage determination.

(b) In the case of an individual to whom subsection (a) applies, who dies prior to discovery of the coverage error, or who dies during the election period prescribed in subsection (a) prior to making an election to correct the error, without having the right to decline FERS coverage, the individual's survivors shall have the right to make the election under regulations promulgated by the Office that provide for such election in a manner consistent with the election rights of the individual.

(c) This section shall be effective retroactive to January 1, 1987, except that this section shall not affect individuals who made or were deemed to have made elections similar to those provided in this section under regulations promulgated by the Office prior to the effective date of this Act.

SEC. 8. FERS COVERED CURRENT AND FORMER EMPLOYEES WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies to a FERS covered employee or former employee who was erroneously CSRS covered or CSRS Offset covered as a result of a retirement coverage error.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (2). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS Offset covered, such individual shall be treated as CSRS Offset covered, retroactive to the date of the retirement coverage error.

(2) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be CSRS Offset covered or FERS covered, retroactive to the date of the retirement coverage error. If the individual does not make an election by the deadline, a CSRS Offset covered individual shall remain CSRS Offset covered and a CSRS covered individual shall be treated as CSRS Offset covered.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(2).

(2)(A) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations, to be CSRS Offset covered, retroactive to the date of the retirement coverage error.

(B) An individual who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 12, and any amount not waived is repaid.

(C) An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424, or a distribution under section 8433, of title 5, United States Code, shall not be entitled to make an election under this subsection.

(3) If an individual is ineligible to make an election or does not make an election under paragraph (2) prior to the deadline, the corrective action previously taken shall remain in effect.

SEC. 9. ANNUITANTS AND SURVIVORS IN CASES WHERE FERS COVERED EMPLOYEES WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies to an individual who is an annuitant or a survivor of a FERS covered employee who was erroneously CSRS covered or CSRS Offset covered as a result of a retirement coverage error.

(b)(1) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing an individual described in subsection (a) to elect CSRS Offset coverage or FERS coverage, retroactive to the date of the retirement coverage error.

(2) An election under this subsection shall be made within 18 months after the effective date of the regulations.

(3) If the individual elects CSRS Offset coverage, the amount in the employee's Thrift Savings Plan account under subchapter III of chapter 84 of title 5, United States Code, at the time of retirement that represents the Government's contributions and earnings on those contributions (whether or not this amount was subsequently distributed from the Thrift Savings Plan) will form the basis for a reduction in the individual's annuity, under regulations promulgated by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(4) If—

(A) a surviving spouse elects CSRS Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS Offset benefit shall be subject to a reduction, under regulations promulgated by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(5) An individual who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless repayment of that amount is waived in whole or in part under section 12, and any amount not waived is repaid.

(c) If the individual does not make an election under subsection (b) prior to the deadline, the retirement coverage shall be subject to the following rules—

(1) If corrective action was previously taken, that corrective action shall remain in effect; and

(2) If corrective action was not previously taken, the employee shall be CSRS Offset covered, retroactive to the date of the retirement coverage error.

SEC. 10. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed an individual erroneously subject to CSRS coverage as a result of a retirement coverage error and retroactively converted to CSRS Offset coverage, FERS coverage, or Social Security-only coverage to report in coordination with the Office of Personnel Management, and in such form and within such time frame as the Commissioner may specify, any or all of the following—

(1) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage;

(2) the excess CSRS deduction amount for the individual; and

(3) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act.

The head of an agency or the Office shall comply with such a request from the Commissioner. For purposes of section 201 of the Social Security Act, wages reported pursuant to this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1954. For purposes of this section, the "excess CSRS deduction amount" for an individual shall be an amount equal to the difference between the CSRS deductions withheld and the CSRS Offset or FERS deductions, if any, due with respect to the individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) ADJUSTMENT TO TRANSFERS UNDER SECTION 201 OF THE SOCIAL SECURITY ACT.—Any amount transferred from the General Fund to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act on the basis of reports under this section shall be adjusted by amounts previously transferred as a result of corrections made (including corrections made before the date of enactment of this Act), and shall be reduced by any excess CSRS deduction amounts determined by the Director of the Office of Personnel Management to be remaining to the credit of individuals in the Civil Service Retirement and Disability Fund or in accounts maintained by the employing agencies. Such amounts determined by the Director in the preceding sentence shall be transferred to the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in the proportions indicated in sections 201 (a) and (b) of the Social Security Act.

(c) APPLICATION OF OASDI TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986 TO AFFECTED INDIVIDUALS AND EMPLOYING AGENCIES.—An individual described in subsection (a) and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period he or she was erroneously subject to CSRS coverage as a result of a retirement coverage error. No credit or refund of taxes on such wages shall be allowed as result of the operation of this subsection.

SEC. 11. FUTURE CSRS COVERAGE DETERMINATIONS.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 12. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) The Director is authorized to take any of the following actions—

(1) extend the deadlines for making elections under this Act in circumstances involving an individual's inability to make a timely election due to cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive repayments otherwise required under this Act.

(b) In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review on any basis.

(d) The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) The Office of Personnel Management shall, within six months after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 13. THRIFT PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) This section applies to an individual who—

(1) is eligible to make an election of coverage under section 8 or section 9, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is an employee (or former employee, annuitant, or survivor, subject to conditions similar to those in section 8 and 9) in the case of a retirement coverage error in which a FERS covered employee was erroneously Social Security-only covered and is corrected to FERS coverage.

(b)(1) With respect to an individual who whom this section applies, the Director shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a of such title 5 on the employee's retroactive contributions to such Fund. Such amount shall represent earnings, on such retroactive contributions, during the period of the retirement coverage error and continuing up to the date on which the amount is paid by the Director (and based on distributions from the employee's Thrift Savings Plan account). Such earnings shall be computed in accordance with the procedures for computing lost earnings under such section 8432a. The amount paid by the Director shall be treated for all purposes as if that amount had actually been earned on the basis of the employee's contributions.

(2) In cases in which the retirement coverage error was corrected prior to the effective date of the regulations under section 8(c) or section 9(b), the employee involved (including an employee described in subsection (a)(2)) shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions shall be treated in accordance with the provisions of paragraph (1).

(c) The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section.

SEC. 14. AUTHORIZATION AND APPROPRIATION.

All payments permitted or required by this Act to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this Act, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 15. SERVICE CREDIT DEPOSITS.

(a) In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office, shall be a paid to the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8342(c) or 8424(d) of title 5, United States Code, as applicable.

(b)(1) This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee made a service credit deposit under the FERS rules; and

(B) there is a subsequent retroactive change to CSRS or CSRS Offset coverage.

(2) If at the time of commencement of an annuity there is remaining unpaid any excess of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(3) If at the time of commencement of a survivor annuity, there is remaining unpaid any excess of the CSRS service credit deposit over the FERS service credit deposit, and there has been no actuarial reduction in an annuity under the preceding paragraph, the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office. The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset survivor annuity that would have been provided the individual.

SEC. 16. REGULATIONS.

(a) In addition to the regulations specifically authorized in this Act, the Office may prescribe such other regulations as are necessary for the administration of this Act.

(b) The regulations issued under this Act shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

SEC. 17. EFFECTIVE DATE.

Except as otherwise provided herein, this Act shall be effective on the date of enactment.

RETIREMENT COVERAGE ERROR CORRECTION ACT OF 1998—SECTION-BY-SECTION ANALYSIS

The first section provides a title for the bill, the "Retirement Coverage Error Correction Act of 1998".

Section 2 explains the Congressional findings and purpose of the Act.

Section 3 defines the terms used in the Act. Among the definitions, "retirement coverage error" means erroneous coverage that was in effect for at least 3 years of service after December 31, 1986.

Section 4 provides that, except as otherwise provided in this Act, errors of less than 3 years are excluded from eligibility for corrective action under the Act. The primary exception to the three-year rule is in Section 7, concerning FERS covered employees who should have been, but were not, given the opportunity to elect whether to be covered by FERS.

Section 5 deals with cases of retirement coverage errors in which a Social Security-only covered employee was erroneously CSRS covered or CSRS Offset covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either CSRS Offset or Social Security-only coverage. If erroneously under CSRS coverage, the employee will be placed under interim CSRS Offset coverage as soon as practicable, and will have the right to make the coverage election under the regulations.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error was not corrected prior to the effective date of the regulations (other than interim conversion from CSRS to CSRS Offset), the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under CSRS Offset.

Section 6 deals with cases of retirement coverage errors in which a Social Security-only covered employee who was not entitled to elect FERS was erroneously FERS covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either FERS coverage or Social Security-only coverage.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error was not corrected prior to the regulations, the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under FERS coverage.

Section 7 provides that in the case of an erroneous retirement coverage determination in which a CSRS covered, CSRS Offset covered or FERS-eligible Social Security-only covered employee was erroneously FERS covered, the employee is deemed to have elected FERS coverage and will remain covered by FERS, unless the employee declines, under regulations promulgated by OPM, to be FERS covered. This form of corrective action is appropriate, regardless of whether the error lasted 3 years, when the individual was prevented from electing FERS during the statutory election period provided by title III of the FERS Act of 1986. Individuals who previously had the right to make such an election under OPM regulations will not be given an additional opportunity to make an election. This section ratifies OPM's authority to issue regulatory provisions to provide appropriate treatment in this situation, in accordance with court decisions. This section will be effective retroactive to January 1, 1987.

Section 8 applies to employees and former employees (but not annuitants) in cases in which a FERS covered employee was erroneously CSRS covered or CSRS Offset covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either CSRS Offset or FERS coverage. CSRS covered employees will be immediately and retroactively converted to CSRS Offset coverage, since Social Security coverage is automatic by action of law, with the right to make the coverage election under the regulations.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error has not been corrected prior to the effective date of the regulations (other than interim conversion from CSRS to CSRS Offset), the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under CSRS Offset.

In two situation, individuals will not be permitted to make an election. When an individual elects to receive a refund of FERS employee contributions or a Thrift Savings Plan payout, the individual waives the right to benefits based on the service. Accordingly, if, subsequent to correction of the error and placement under FERS, the individual takes either of those actions, there is no justification to reinstate the rights to retirement benefits which were given up knowingly and voluntarily.

In addition, individuals who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error will not be entitled to make an election unless repayment is made, or is waived by the Director of OPM.

Section 9 deals with the same types of errors as section 8, but in cases where the employee has retired or died. The basic provisions are essentially the same, but there are provisions for actuarial adjustments to prospective annuity payments when a retroactive election divests the right to payments which have already been made.

Section 10 deals with the retroactive application of Social Security upon the correction of a retirement coverage error in which an employee was erroneously covered by CSRS. Subsection (a) provides discretionary authority for the Commissioner of Social Security to request wage and other relevant information directly from the employing agencies, in a form and manner prescribed by the Commissioner. Such information is necessary to correctly compute the employee's Social Security benefit as if the employee had not been erroneously classified. Exercise of this authority would provide for a more efficient provision of such information than current law and procedures, particularly for years prior to the 3-year limitation on assessment of taxes. Information for years prior to the 3-year period open to assessment of taxes would otherwise have to be provided by each individual employee or be provided at the discretion of the employing agency. The authority contained in this subsection would enable the Commissioner of Social Security to prescribe specific procedures, if those procedures are determined to be necessary, to receive directly the information for these employees to ensure that their wage records properly reflect their earnings history.

Subsection (b) provides that any amounts which may be transferred to the Social Security Trust Funds as a result of the reports which may be required under subsection (a) shall be reduced by certain amounts previously and erroneously deducted for CSRS, and that these amounts shall be transferred from the Civil Service Retirement and Disability Fund to the Social Security Trust Funds in order to correct the retirement and Social Security coverage error. Subsection (c) provides that the OASDI employee tax and OASDI employer tax are deemed to have been paid for the entire period of the erroneous CSRS coverage.

Section 11 requires agencies, before placing any employee in CSRS coverage, to obtain written agreement from OPM that CSRS coverage is correct, unless the individual has been employed with CSRS coverage within the preceding 365 days, the generally applicable statutory period for exclusion from Social Security. It is intended to prevent future coverage errors.

Section 12 gives the Director of OPM specific discretionary authority to waive time limits, reimburse necessary and reasonable expenses and compensate losses, and waive specified repayments. The authority to compensate an individual for losses does not extend to claims relating to forgone Thrift Savings Plan contributions and earnings or other investment opportunities. In view of the judgmental nature of such relief, the provision bars administrative or judicial review of these actions. The provisions requires OPM to report to Congress on the use of the authority under this section within six months after enactment, and annually thereafter, if the authority is used.

Section 13 provides for costs of the Act to be paid from the Civil Service Retirement Fund. It also authorizes OPM to spend money from that Fund to administer the Act.

Section 14 deals with service credit deposits which can be affected by actions under the Act. Subsection (a) provides for payment of interest on partial refunds of service credit deposits required as a result of corrective actions. Subsection (b) provides for collection by actuarial annuity reduction of certain additional service credit deposits required as a result of corrective actions.

Section 15 provides that the Office may prescribe regulations necessary for the administration of the Act. In addition, it requires that OPM's regulations protect the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

Section 16 provides that except as otherwise provided, the Act shall be effective upon enactment.

ADDITIONAL COSPONSORS

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S.

1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1220

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1993 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from North Carolina (Mr. HELMS), the Senator from New York (Mr. D'AMATO), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1365

At the request of Mr. MIKULSKI, the name of the Senator from Maine (Mr. SNOWE) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1391

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1600

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 1605

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1606

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1606, a bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture.

S. 1608

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1608, a bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

S. 1671

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1671, a bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Missouri (Mr. ASHCROFT) were added as a cosponsors of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. SNOWE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. GRAMS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Tennessee (Mr. FRIST), the Senator from Georgia (Mr. COVERDELL), the Senator from Missouri (Mr. ASHCROFT), the Senator Michigan (Mr. ABRAHAM), the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. DEWINE), and the Senator from Indiana (Mr. COATS) were added as cosponsors of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 155, supra.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), and the Senator from North Carolina (Mr. FAIRCLOTH), were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

AMENDMENT NO. 1682

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Amendment No. 1682 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

At the request of Mr. THURMOND, his name was withdrawn as a cosponsor of amendment No. 1682 proposed to S. 1173, supra.

SENATE CONCURRENT RESOLUTION 79—COMMEMORATING THE PEOPLE OF REMY, FRANCE AND FORMER MEMBERS OF THE 364TH FIGHTER GROUP

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. HUTCHISON, Mr. DURBIN, and Mr. SANTORUM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas on August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

Whereas the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

Whereas, despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers;

Whereas on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor;

Whereas the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy; and

Whereas, to express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project "Windows for Remy", to restore the church's stained glass windows: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944; and

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution on behalf of myself, Senator BOXER, Senator HUTCHISON, Senator DURBIN, and Senator SANTORUM, to commemorate the acts of kindness of the residents of Remy, France afforded World War II Army Air Corps pilot Lieutenant Houston Braly. While these deeds occurred more than fifty years ago, the story of this young pilot is carried on in the hearts and minds of the people of Remy. Now the friends and comrades of Lt. Braly have joined together to show their appreciation in a most sincere gesture of goodwill.

On August 2, 1944, Lt. Braly's squadron of P–51 fighters on patrol in northern France encountered a German munitions train. The squadron made three unsuccessful attack runs at the train, which was almost impossible to see because of camouflage. On the fourth run, however, Lt. Braly's fire hit a car carrying explosives, causing a tremendous explosion.

Airplanes circling 13,000 feet over the battle were hit by shrapnel from the train. Haystacks in fields some distance away were seen burning, and nearly all buildings in the small French town were demolished. The 13th century church in the town of Remy barely escaped destruction, but the historic stained-glass windows were destroyed.

The explosion also claimed the life of Lt. Braly, who was only twenty-two years old on that tragic day.

Despite the near total destruction of the small town, the residents of Remy regarded that young American as a hero. A young woman pulled Braly's body from the burning wreck of the plane, wrapped him in the nylon of his parachute, and placed him in the town's courtyard. Hundreds of villagers showered the site with flowers, stunning the German authorities. Threats of reprisals were made if the tributes continued, but eventually the authorities agreed that a small, private burial could be performed in the church's cemetery.

The next morning it was discovered that despite the potentially severe consequences, villagers had once again paid tribute to the young pilot. The covert placement of flowers on Lt. Braly's grave continued until American forces liberated Remy to the cheers of the townspeople. American soldiers were led to Lt. Braly's grave, which was marked by the bent propeller of his P–51 fighter.

Nearly 50 years later, Steven Lea Vell of Danville, California, came across this story during the course of research he was doing at the Air Force Archives in Alabama. Mr. Lea Vell was so moved by the story that he visited Remy, France, only to find that the stained glass windows of the magnificent 13th century church which were destroyed in the explosion had not been replaced. Mr. Lea Vell contacted various members of the 364th Fighter Group, under which Lt. Braly had served. These veterans had heard the stories of how the residents of Remy had honored their fallen friend. They joined together to form Windows for Remy, a non-profit organization working to raise $200,000 to replace the stained glass windows to repay the town for their distinguished actions toward Lt. Braly.

Mr. President, the residents of Remy have not forgotten the story of that young American pilot. On Armistice Day, November 11, 1995, fifty years after the war ended, the town of Remy paid tribute once more to Lt. Braly. On that day they renamed the crossroads where he perished to "Rue de Houston L. Braly, Jr."

I am confident that my fellow senators will join me in commending the people of Remy, France for their kindness and recognize the friends and former comrades of Lt. Braly for their efforts to pay back this debt of honor.

SENATE RESOLUTION—191—MAKING MAJORITY PARTY APPOINTMENTS

Mr. CHAFEE (for Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Resolved,

SEC. 1. That the following be the majority membership on the Committee on Governmental Affairs for the remainder of the 105th Congress, or until their successors are appointed, pursuant to section 2 of this resolution:

Governmental Affairs: Mr. Thompson (Chairman), Mr. Roth, Mr. Stevens, Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, and Mr. Specter.

SEC. 2. That section 1 of this resolution shall take effect immediately upon the filing of the report by the Committee on Governmental Affairs as required by Senate Resolution 39, agreed to March 11, 1997.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

CHAFEE (AND OTHERS) AMENDMENT NO. 1684

Mr. CHAFEE (for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, Mr. LIEBERMAN, Mr. WYDEN, Mr. SESSIONS, Mr. DOMENICI, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 136, after line 22, add the following:

SEC. 11___. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and section 1102(c) of this Act and the allocations to each State under section 105(a) of that title (excluding amounts made available under this section); bears to

(B) the total of all apportionments to all States under section 104 of that title and section 1102(c) of this Act and all allocations to all States under section 105(a) of that title (excluding amounts made available under this section).

(2) DISTRIBUTION AMONG CATEGORIES.—

(A) LIMITED FLEXIBLE FUNDING FOR CERTAIN STATES.—For each fiscal year, in the case of each State that does not receive funding under subsection (c) or an allocation under subsection (d), an amount equal to 22 percent of the funds apportioned to the State under paragraph (1) shall be set aside for use by the State for any purpose eligible for funding under title 23, United States Code, or this Act.

(B) DISTRIBUTION OF REMAINING FUNDS.—

(i) IN GENERAL.—For each fiscal year, after application of subparagraph (A), the remaining funds apportioned to each State under paragraph (1) shall be apportioned in accordance with clause (ii) among the following categories:

(I) The Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code.

(II) The Interstate bridge component of the Interstate and National Highway System program under section 104(b)(1)(B) of that title.

(III) The National Highway System component of the Interstate and National Highway System program under section 104(b)(1)(C) of that title.

(IV) The congestion mitigation and air quality improvement program under section 104(b)(2) of that title.

(V) The surface transportation program under section 104(b)(3) of that title.

(VI) Metropolitan planning under section 104(f) of that title.

(VII) Minimum guarantee under section 105 of that title.

(VIII) ISTEA transition under section 1102(c) of this Act.

(ii) DISTRIBUTION FORMULA.—For each State and each fiscal year, the amount of funds apportioned for each category under clause (i) shall be equal to the product obtained by multiplying—

(I) the amount of funds apportioned to the State for the fiscal year under paragraph (1); by

(II) the ratio that—

(aa) the amount of funds apportioned to the State for the category for the fiscal year under the other sections of this Act and the amendments made by this Act; bears to

(bb) the total amount of funds apportioned to the State for all of the categories for the fiscal year under the other sections of this Act and the amendments made by this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $640,000,000 for fiscal year 1998, $3,346,000,000 for fiscal year 1999, $3,634,000,000 for fiscal year 2000, $3,881,000,000 for fiscal year 2001, $3,831,000,000 for fiscal year 2002, and $3,587,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the "program") to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used

for any project eligible for funding under title 23, United States Code, or this Act.

(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

On page 97, line 22, strike "and".

On page 97, strike line 25 and insert the following:

project;

(C) provides for the safe and efficient movement of goods along and within international or interstate trade corridors; and

(D) provides for the continued planning and development of trade corridors.

On page 98, between lines 21 and 22, insert the following:

(D) the extent to which truck-borne commodities move through each State and internationally;

On page 98, line 22, strike "(D)" and insert "(E)".

On page 99, line 1, strike "(E)" and insert "(F)".

On page 98, line 10, strike "(F)" and insert "(G)".

On page 98, line 13, strike "(G)" and insert "(H)".

On page 98, line 15, strike "(H)" and insert "(I)".

On page 98, line 19, strike "(I)" and insert "(J)".

On page 98, line 23, strike "(J)" and insert "(K)".

On page 99, line 24, insert ", trade corridor development," before "and".

BENNETT (AND HATCH) AMENDMENTS NOS. 1685–1686

(Ordered to lie on the table.)

Mr. BENNETT (for himself and Mr. HATCH) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1685

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE; DEFINITIONS.—

(1) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(2) DEFINITION.—In this section, the term "Secretary" means the Secretary of Transportation.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall give priority to funding for a mass transportation project related to an international quadrennial Olympic or Paralympic event to carry out 1 or more of sections 5303, 5307, and 5309 of title 49, United States Code, if the project—

(A) in the determination of the Secretary, will meet extraordinary transportation needs associated with an international quadrennial Olympic or Paralympic event; and

(B) is otherwise eligible for assistance under the section at issue.

(2) CONTRACTUAL OBLIGATION.—A grant or a contract for a project described in paragraph (1), approved by the Secretary and funded with amounts made available under this subsection, is a contractual obligation to pay the Government's share of the cost of the project.

(3) NON-FEDERAL SHARE.—For purposes of determining the non-Federal share of a project funded under this subsection, highway and transit projects shall be considered to be a program of projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account of the Highway Trust Fund such sums as may be necessary to carry out this subsection.

(c) TRANSPORTATION PLANNING ACTIVITIES.—Notwithstanding any other provision of law, the Secretary may participate in—

(1) planning activities of State and metropolitan planning organizations, and project sponsors, for a transportation project related to an international quadrennial Olympic or Paralympic event under sections 5303 and 5305a of title 49, United States Code; and

(2) developing intermodal transportation plans necessary for transportation projects described in paragraph (1), in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—From amounts deducted under section 104(a) of title 23, United States Code, the Secretary may provide assistance in the development of an Olympic and a Paralympic transportation management plan, in cooperation with—

(1) an Olympic Organizing Committee responsible for hosting an international quadrennial Olympic or Paralympic event; and

(2) State and local governments affected by the international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance to State and local governments in carrying out transportation projects related to an international quadrennial Olympic or Paralympic event. Such assistance may include planning, capital, and operating assistance.

(2) NON-FEDERAL SHARE.—The Federal share of the costs of any transportation project assisted under this subsection shall not exceed 80 percent. For purposes of determining the non-Federal share of a project assisted under this subsection, highway and transit projects shall be considered to be a program of projects.

(f) ELIGIBLE GOVERNMENTS.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic or Paralympic events.".

(h) GRANT OR CONTRACT TERMS AND CONDITIONS.—Notwithstanding any other provision of law, a grant or contract funded under this section shall be subject to such terms and conditions as the Secretary may determine, including the waiver of planning and procurement requirements.

(i) USE OF FUNDS BEFORE APPORTIONMENTS AND ALLOCATIONS.—Notwithstanding any other provision of law, funds made available under section 5307 of title 49, United States Code, may be used by the Secretary for projects funded under this section before apportioning or allocating funds to States, metropolitan planning organizations, or transit agencies.

(j) USE OF APPROPRIATIONS.—From amounts made available to carry out sections 5303, 5307, and 5309 of title 49, United States Code, in each of fiscal years 1998 through 2003, the Secretary may use such amounts as may be necessary to carry out this section.

AMENDMENT NO. 1686

At the end of subtitle A of title I, add the following:

SEC. 11___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—From funds deducted under section 104(a) of title 23, United States Code, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

INHOFE (AND OTHERS) AMENDMENT NO. 1687

Mr. INHOFE (for himself, Mr. BREAUX, Mr. SESSIONS, and Mr. BYRD), proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill, add the following:

TITLE .—OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards;"

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of he establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the State shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each areas following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relevant areas. Only data from the monitoring network designated in section 2(a) and other federal reference method $PM_{2.5}$ monitors shall be considered for such designations. In review in the State Implementation Plans the Administration shall consider all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted. Not withstanding the previous sentence, the Administrator shall promulgate such designations not later than Dec. 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) The Governors shall be required to submit designations of nonattainment areas within two years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designations required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1-3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

REID (AND OTHERS) AMENDMENT NO. 1688

Mr. REID (for himself, Mr. BRYAN, Mrs. BOXER, and Mrs. FEINSTEIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 253, between lines 15 and 16, insert the following:

"(3) LAKE TAHOE REGION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(B) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(C) ACTIVITIES.—

"(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

"(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

"(I) capital project funding, in order to accelerate completion of the transit projects; and

"(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

THE OCEAN SHIPPING ACT OF 1998

HUTCHISON (AND OTHERS) AMENDMENT NO. 1689

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. LOTT, and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1998".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect May 1, 1999.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(2) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(3) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(4) striking "in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(5) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(6) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(7) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(8) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.";

(9) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(10) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(11) striking paragraph (19), as redesignated and inserting the following:

"(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party."; and

(12) striking paragraph (21), as redesignated, and inserting the following:

"(21) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) OCEAN COMMON CARRIERS.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;";

(2) striking "and" in paragraph (6) and inserting "or"; and

(3) striking paragraph (7) and inserting the following:

"(7) discuss and agree on any matter related to service contracts.".

(b) MARINE TERMINAL OPERATORS.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)";

(2) striking "and" in paragraph (1) and inserting "or"; and

(3) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by—

(1) striking subsection (b)(8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item";

(2) redesignating subsections (c) through (e) as subsections (d) through (f); and

(3) inserting after subsection (b) the following:

"(c) OCEAN COMMON CARRIER AGREEMENTS.—An ocean common carrier agreement may not—

"(1) prohibit or restrict a member or members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

"(2) require a member or members of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those terms or conditions required to be published under section 8(c)(3) of this Act; or

"(3) adopt mandatory rules or requirements affecting the right of an agreement member or agreement members to negotiate and enter into service contracts.

An agreement may provide authority to adopt voluntary guidelines relating to the terms and procedures of an agreement member's or agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines. These guidelines shall be confidentially submitted to the Commission.".

(b) APPLICATION.—

(1) Subsection (e) of section 5 of that Act, as redesignated, is amended by striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do" and inserting "this Act does"; and

(2) Subsection (f) of section 5 of that Act, as redesignated, is amended by—

(A) striking "and the Shipping Act, 1916, do" and inserting "does";

(B) striking "or the Shipping Act, 1916,"; and

(C) inserting "or are essential terms of a service contract" after "tariff".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) striking "or" at the end of subsection (b)(2);

(3) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(4) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

SEC. 106. TARIFFS.

(a) IN GENERAL.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "freight forwarder" in paragraph (1)(C) and inserting "transportation intermediary, as defined in section 3(17)(A),";

(6) striking "and" at the end of paragraph (1)(D);

(7) striking "loyalty contract," in paragraph (1)(E);

(8) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(9) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(10) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) SERVICE CONTRACTS.—Subsection (c) of that section is amended to read as follows:

"(c) SERVICE CONTRACTS.—

"(1) IN GENERAL.—An individual ocean common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be controlled by or in any way affiliated with a controlled carrier as defined in section 3(8) of this Act, or by the government which owns or controls the carrier.

"(2) FILING REQUIREMENTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual ocean common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

"(A) the origin and destination port ranges;

"(B) the origin and destination geographic areas in the case of through intermodal movements;

"(C) the commodity or commodities involved;

"(D) the minimum volume or portion;

"(E) the line-haul rate;

"(F) the duration;

"(G) service commitments; and

"(H) the liquidated damages for nonperformance, if any.

"(3) PUBLICATION OF CERTAIN TERMS.—When a service contract is filed confidentially with the Commission, a concise statement of the essential terms described in paragraphs 2(A), (C), (D), and (F) shall be published and made available to the general public in tariff format.

"(4) DISCLOSURE OF CERTAIN TERMS.—

"(A) An ocean common carrier, which is a party to or is subject to the provisions of a collective bargaining agreement with a labor organization, shall, in response to a written request by such labor organization, state whether it is responsible for the following work at dock areas and within port areas in the United States with respect to cargo transportation under a service contract described in paragraph (1) of this subsection—

"(i) the movement of the shipper's cargo on a dock area or within the port area or to or from railroad cars on a dock area or within the port area;

"(ii) the assignment of intraport carriage of the shipper's cargo between areas on a dock or within the port area;

"(iii) the assignment of the carriage of the shipper's cargo between a container yard on a dock area or within the port area and a rail yard adjacent to such container yard; and

"(iv) the assignment of container freight station work and container maintenance and repair work performed at a dock area or within the port area.

"(B) The common carrier shall provide the information described in subparagraph (A) of this paragraph to the requesting labor organization within a reasonable period of time.

"(C) This paragraph requires the disclosure of information by an ocean common carrier only if there exists an applicable and otherwise lawful collective bargaining agreement which pertains to that carrier. No disclosure made by an ocean common carrier shall be deemed to be an admission or agreement that any work is covered by a collective bargaining agreement. Any dispute regarding whether any work is covered by a collective bargaining agreement and the responsibility of the ocean common carrier under such agreement shall be resolved solely in accordance with the dispute resolution procedures contained in the collective bargaining agreement and the National Labor Relations Act, and without reference to this paragraph.

"(D) Nothing in this paragraph shall have any effect on the lawfulness or unlawfulness under this Act, the National Labor Relations Act, the Taft-Hartley Act, the Federal Trade Commission Act, the antitrust laws, or any other Federal or State law, or any revisions or amendments thereto, of any collective-bargaining agreement or element thereof, including any element that constitutes an essential term of a service contract under this subsection.

"(E) For purposes of this paragraph the terms 'dock area' and 'within the port area' shall have the same meaning and scope as in the applicable collective bargaining agreement between the requesting labor organization and the carrier.".

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking the subsection caption and inserting "(d) TARIFF RATES.—";

(2) striking "30 days after filing with the Commission." in the first sentence and inserting "30 calendar days after publication.";

(3) inserting "calendar" after "30" in the next sentence; and

(4) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) REFUNDS.—Subsection (e) of that section is amended by—

(1) striking "tariff of a clerical or administrative nature or an error due to inadvertence" in paragraph (1) and inserting a comma; and

(2) striking "file a new tariff," in paragraph (1) and inserting "publish a new tariff, or an error in quoting a tariff,";

(3) striking "refund, filed a new tariff with the Commission" in paragraph (2) and inserting "refund for an error in a tariff or a failure to publish a tariff, published a new tariff";

(4) inserting "and" at the end of paragraph (2); and

(5) striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (f) of that section is amended to read as follows:

"(f) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.".

(f) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Section 8 of that Act is amended by adding at the end the following:

"(g) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "service contracts filed with the Commission" in the first sentence of subsection (a) and inserting "service contracts, or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" in paragraph (1) as redesignated and inserting "published or assessed";

(8) striking "filing with the Commission." in subsection (c) and inserting "publication.";

(9) striking "DISAPPROVAL OF RATES.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish".

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

"(A) is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

"(B) is under a tariff or service contract which has been suspended or prohibited by the Commission under section 9 of this Act or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a);";

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking "except for service contracts," in paragraph (4), as redesignated, and inserting "for service pursuant to a tariff,";

(6) striking "rates;" in paragraph (4)(A), as redesignated, and inserting "rates or charges;";

(7) inserting after paragraph (4), as redesignated, the following:

"(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any port;";

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

"(6) use a vessel or vessels in a particular trade for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;";

(10) striking paragraphs (9) through (13) and inserting the following:

"(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

"(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any port;

"(10) unreasonably refuse to deal or negotiate;";

(10) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(11) striking "a non-vessel-operating common carrier" in paragraphs (11) and (12) as redesignated and inserting "an ocean transportation intermediary";

(12) striking "sections 8 and 23" in paragraphs (11) and (12) as redesignated and inserting "sections 8 and 19";

(13) striking "or in which an ocean transportation intermediary is listed as an affiliate" in paragraph (12), as redesignated;

(14) striking "Act;" in paragraph (12), as redesignated, and inserting "Act, or with an affiliate of such ocean transportation intermediary;"

(15) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(16) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)) is amended by—

(1) striking "non-ocean carriers" in paragraph (4) and inserting "non-ocean carriers, unless such negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this Act";

(2) striking "freight forwarder" in paragraph (5) and inserting "transportation intermediary, as defined by section 3(17)(A) of this Act,";

(3) striking "or" at the end of paragraph (5);

(4) striking "contract." in paragraph (6) and inserting "contract;"; and

(5) adding at the end the following:

"(7) for service pursuant to a service contract, engage in any unjustly discriminatory practice in the matter of rates or charges with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries; or

"(8) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries;".

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking "freight forwarders," and inserting "transportation intermediaries,";

(2) striking "freight forwarder," in paragraph (1) and inserting "transportation intermediary,";

(3) striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b)(10) and (13)"; and

(4) adding at the end thereof the following:

"(4) No marine terminal operator may give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.

"(5) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries, as defined by section 3(17)(A) of this Act.".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (6)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "'non-vessel-operating common carrier'," in subsection (a)(1) and inserting "'ocean transportation intermediary',";

(2) striking "forwarding and" in subsection (a)(4);

(3) striking "non-vessel-operating common carrier" in subsection (a)(4) and inserting "ocean transportation intermediary services and";

(4) striking "freight forwarder," in subsections (c)(1) and (d)(1) and inserting "transportation intermediary,";

(5) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(6) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(7) striking "(b)(5)" each place it appears in subsection (h) and inserting "(b)(6)".

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels operated by that common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (7)";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking "or (b)(4)" and inserting "or (b)(2)";

(2) striking "(b)(1), (4)" and inserting "(b)(1), (2)"; and

(3) adding at the end thereof the following "Neither the Commission nor any court shall order any person to pay the difference between the amount billed and agreed upon in writing with a common carrier or its agent and the amount set forth in any tariff or service contract by that common carrier for the transportation service provided.".

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking "freight forwarders" in the section caption and inserting "transportation intermediaries";

(2) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.";

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act;

"(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary and subject to review by the surety company, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim; and

"(C) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities under section 3(17) of this Act, provided the claimant has first attempted to resolve the claim pursuant to subparagraph (B) of this paragraph and the claim has not been resolved within a reasonable period of time.

"(3) The Commission shall prescribe regulations for the purpose of protecting the interests of claimants, ocean transportation intermediaries, and surety companies with respect to the process of pursuing claims against ocean transportation intermediary bonds, insurance, or sureties through court judgments. The regulations shall provide that a judgment for monetary damages may not be enforced except to the extent that the damages claimed arise from the transportation-related activities of the insured ocean transportation intermediary, as defined by the Commission.

"(4) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(5) striking, each place such term appears—

(A) "freight forwarder" and inserting "transportation intermediary";

(B) "a forwarder's" and inserting "an intermediary's";

(C) "forwarder" and inserting "intermediary"; and

(D) "forwarding" and inserting "intermediary";

(6) striking "a bond in accordance with subsection (a)(2)." in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1).";

(7) striking "FORWARDERS.—" in the caption of subsection (e), as redesignated, and inserting "INTERMEDIARIES.—";

(8) striking "intermediary" the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting "intermediary, as defined in section 3(17)(A) of this Act,";

(9) striking "license" in paragraph (1) of subsection (e), as redesignated, and inserting "license, if required by subsection (a),";

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

"(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.".

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984, shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998.";

(2) inserting the following at the end of subsection (e):

"(3) The Ocean Shipping Reform Act of 1998 shall not affect any suit—

"(A) filed before the effective date of that Act; or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1998.".

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR THE FEDERAL MARITIME COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

There are authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

SEC. 202. FEDERAL MARITIME COMMISSION ORGANIZATION.

Section 102(d) of Reorganization Plan No. 7 of 1961 (75 Stat. 840) is amended to read as follows:

"(d) A vacancy or vacancies in the membership of Commission shall not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the members serving on the Commission is required to dispose of any matter before the Commission.".

SEC. 203. REGULATIONS.

Not later than March 1, 1999, the Federal Maritime Commission shall prescribe final regulations to implement the changes made by this Act.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "forwarding and" in subsection (1)(b);

(2) striking "non-vessel-operating common carrier operations," in subsection (1)(b) and inserting "ocean transportation intermediary services and operations,";

(3) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(4) striking "tariffs of a common carrier" in subsection 7(d) and inserting "tariffs and service contracts of a common carrier";

(5) striking "use the tariffs of conferences" in subsections (7)(d) and (9)(b) and inserting "use tariffs of conferences and service contracts of agreements";

(6) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts";

(7) striking "freight forwarder," each place it appears and inserting "transportation intermediary,"; and

(8) striking "tariff" each place it appears in subsection (11) and inserting "tariff or service contract".

(b) STYLISTIC CONFORMITY.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking "subdivision (c) of paragraph (1)" in subsection (c), as redesignated, and inserting "subsection (a)(3)";

(9) striking "paragraph (2)" in subsection (c), as redesignated, and inserting "subsection (b)";

striking "paragraph (1)(b)" each place it appears and inserting "subsection (a)(2)";

(10) striking "subdivision (b)," in subsection (g)(4), as redesignated, and inserting "paragraph (2),";

(11) striking "paragraph (9)(d)" in subsection (j)(1), as redesignated, and inserting "subsection (i)(4)"; and

(12) striking "paragraph (7)(d) or (9)(b)" in subsection (k), as redesignated, and inserting "subsection (g)(4) or (i)(2)".

SEC. 302. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 89-777.—Sections 2 and 3 of the Act of November 6, 1966, (46 U.S.C. App. 817d and 817e) are amended by striking "they in their discretion" each place it appears and inserting "it in its discretion".

(b) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

TITLE IV—MERCHANT MARINER BENEFITS.

SEC. 401. MERCHANT MARINER BENEFITS.

(a) BENEFITS.—Part G of subtitle II, title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.

"11201. Qualified service.

"11202. Documentation of qualified service.

"11203. Eligibility for certain veterans' benefits.

"11204. Processing fees.

"§ 11201. Qualified service

"For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11202. Documentation of qualified service

"(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

"(1) issue a certificate of honorable discharge to a person who, as determined by the respective Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Federal government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

"(b) TIMING OF DOCUMENTATION.—The respective Secretary shall take action on an application under subsection (a) not later than one year after the respective Secretary receives the application.

"(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the respective Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) CORRECTION OF RECORDS.—An official of the Federal government who is requested to correct service records under subsection (a)(2) shall do so.

"§ 11203. Eligibility for certain veterans' benefits

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The qualified service of an individual referred to in paragraph (2) is deemed to be active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(2) COVERED INDIVIDUALS.—Paragraph (1) applies to an individual who—

"(A) receives an honorable discharge certificate under section 11202 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) PROSPECTIVE APPLICABILITY.—An individual is not entitled to receive, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

"§ 11204. Processing fees

"(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) TREATMENT OF FEES COLLECTED.—Amounts received by the respective Secretary under this section shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities, or in the case of fees collected for processing discharges from the Army Transport Service or the Naval Transport Service, deposited in the general fund of the Treasury as offsetting receipts of the Department of Defense, and shall be available subject to appropriation for the administrative costs for processing such applications.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant mariner benefits............11201".

TITLE V—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 501. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

(a) The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a liner vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) after the date of enactment of this Act unless the Chairman of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years; and

(2) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port within the previous 5 years.

(b) The Secretary of Commerce may not issue a guarantee or a commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a fishing vessel under the authority of title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) if the fishing vessel operator has been—

(1) held liable or liable in rem for a civil penalty pursuant to section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) and not paid the penalty;

(2) found guilty of an offense pursuant to section 309 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859) and not paid the assessed fine or served the assessed sentence;

(3) held liable for a civil or criminal penalty pursuant to section 105 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375) and not paid the assessed fine or served the assessed sentence; or

(4) held liable for a civil penalty by the Coast Guard pursuant to titles 33 or 46, United States Code, and not paid the assessed fine."

Amend the title so as to read "A Bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

MURKOWSKI AMENDMENT NO. 1690

Mr. CHAFEE (for Mr. MURKOWSKI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 191, line 12, strike the semicolon at the end and insert ", except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;".

DOMENICI (AND HARKIN) AMENDMENT NO. 1691

Mr. CHAFEE (for Mr. DOMENICI, for himself and Mr. HARKIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 371, line 6, strike "and" after the semicolon.

On page 371, line 10, strike the period and insert "; and".

On page 371, between lines 10 and 11, insert the following:

"(6) the development of new nondestructive bridge evaluation technologies and techniques.

MOYNIHAN AMENDMENT NO. 1692

Mr. BAUCUS (for Mr. MOYNIHAN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 98, line 7, amend subparagraph 1116(d)(2)(A) by striking "of commercial vehicle traffic" each place it appears and substituting "and value of commercial traffic".

MOSELEY-BRAUN (AND DURBIN) AMENDMENT NO. 1693

Mr. BAUCUS (for Ms. MOSELEY-BRAUN, for herself and Mr. DURBIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(I) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

BOXER (AND WELLSTONE) AMENDMENT NO. 1694

Mr. BAUCUS (for Mrs. BOXER, for herself and Mr. WELLSTONE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

BROWNBACK AMENDMENT NO. 1695

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . DESIGNATIONS OF ABANDONED RAILROAD RIGHTS-OF-WAY.

Section 8(d) of the National Trails System Act (16 U.S.C. 1247(d)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) LOCAL GOVERNMENT APPROVAL.—A railroad right-of-way may be designated for interim use as a trail under this subsection or any other provision of law only if the designation first is approved by the appropriate local government entity, as identified by the State in which the right-of-way is located.".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "The President's Fiscal Year 1999 Budget Request for the Small Business Administration." The hearing will be held on March 18, 1998, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power, of the Energy and Natural Resources Committee, to consider S. 1515, a bill "To amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes."

The hearing will take place on Tuesday, March 31, 1998, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

For further information, please call James P. Beirme, Senior Counsel, (202/224-2564) or Betty Nevitt, Staff Assistant at (202/224-0765).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 4, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for fiscal year 1999 for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "A Review of the National Drug Control Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 beginning at 9:30 a.m. until business is completed, to conduct an oversight hearing on the FY99 budget and operations of the Library of Congress, and to review the reauthorization of the American Folklife Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 at 2:30 p.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 4, 1998, in open session, to receive testimony on the Policies Concerning the Industrial and Technology Base Supporting National Defense in Review of the Defense Authorization Request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 4, 1998, at 10 a.m. in open session, to receive testimony on Military Transformation Initiatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 4, 1998 at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "The Telecommunications Act of 1996: Moving Toward Competition Under Section 271."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on East Asia and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 4, 1998, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 4, 1998, at 2 p.m. in open session, to receive testimony on Recruiting and Retention Policies Within the Department of Defense and the Military Services in Review of the Defense Authorization Request for fiscal year 1999 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Readiness Subcommittee of the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 4, 1998, in open session, to receive testimony on the Ongoing Competitions to Determine the Dispositions of the Workloads Currently Performed at Sacramento and San Antonio Air Logistics Centers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information Committee on the Judiciary and the Senate Select Committee on Intelligence be authorized to meet for a joint hearing during the session of the Senate on Wednesday, March 4, 1998 at 2:30 p.m. in room 216 of the Senate Hart Office Building to hold a joint hearing on: "Biological Weapons: The Threat Posed by Terrorists."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ACCOUNTING STANDARDS FOR DERIVATIVES AND THE FASB

• Mr. D'AMATO. Mr. President, investors place their trust as well as their funds in our capital and financial markets. It is clear that one of the reasons for this trust is the knowledge that financial statements are reliable, relevant, consistent, comparable and prepared according to well-understood and carefully considered standards, known as generally accepted accounting standards. These financial reporting standards are an essential component of the attraction of our capital markets—to borrowers who are looking for the most capital at the lowest cost and to suppliers of capital who want to invest with confidence and earn a high return.

This openness and transparency is the result of the useful and highly successful mechanism used in the United States for over 60 years to develop financial reporting and accounting standards. Although Congress empowered the Securities and Exchange Commission (SEC) to set accounting standards in 1934, for over sixty years the Commission has delegated this responsibility to the private sector. The Financial Accounting Standards Board (FASB) has exercised the delegated authority to develop accounting standards, subject to SEC review, since 1972. In that year, a blue ribbon commission, created by the SEC, recommended the creation of the FASB in order to insulate its deliberative process from the influence of special interests and politics. The FASB's task is to establish and improve financial standards in an inclusive, public and deliberative manner.

Mr. President, while I have not always agreed with the FASB's pronouncements and activities over the years, I believe strongly in an independent standard setting body and I believe the FASB has worked well. It has earned praise for its evenhanded, principled and well-reasoned decisions from professionals in the accounting profession, from the SEC and the financial media, and investors.

Mr. President, at times, the FASB's activities have generated controversy and opposition from those affected by and opposed to its pronouncements. At this particular moment, the FASB is encountering stiff criticism as a result of its attempt to require institutions who hold derivatives to provide some type of fair market value financial reporting.

As my colleagues are aware, derivatives are highly complex financial instruments that can and do perform an important role in effective risk management by enabling commercial corporations, governments and financial firms and others, in the U.S. and worldwide, to reduce their exposure to fluctuations in interest rates, currency exchange rates, and the prices of equities and commodities. Derivatives also enable users to reduce funding costs and speculate on changes in market rates and prices. But Congress is also well aware that the use and misuse of derivatives can cause severe financial shocks. Hearings held by the Banking Committee in recent years demonstrated that derivatives improperly used, and inadequately regulated, can expose an institution or company to potential ruin with serious consequences for depositors, investors, taxpayers and, potentially, the stability of the financial system.

Mr. President, regulatory agencies and Congress have studied the numerous regulatory, policy and disclosure issues raised by derivatives. Among the more serious findings is that derivatives generally do not need to be accounted for in financial statements. In other words, there are billions of dollars worth of derivatives outstanding that are not reflected adequately in the financial statements of major industrial companies, banks and other large derivative users.

In 1994 a GAO study, (Financial Derivatives: Actions Needed to Protect the Financial System), recommended that the FASB:

Proceed expeditiously to issue its existing exposure draft on disclosures of derivatives and fair value of financial instruments.

Proceed expeditiously to develop and issue an exposure draft that provides comprehensive, consistent accounting rules for derivative products, including expanded disclosure requirements that provide additional needed information about derivatives activities.

Consider adopting a market value accounting model for all financial instruments, including derivative products.

Mr. President, the FASB is earnestly pursuing this complicated objective with the support of the SEC, the accounting profession and most investment professionals. The critics and opponents of the proposed derivative accounting standards are now taking the extraordinary step of asking Congress to intervene in the FASB's standard setting procedures. This not only threatens the FASB's ability to determine appropriate standards for disclosure of derivatives-related information, it seriously jeopardizes its independence. This course of action is extremely unwise and provides continuing justification for having an independent, professional entity to set accounting and financial reporting requirements, like the FASB, rather than the Congress or a government agency.

Mr. President, it is obvious that Congress lacks the technical expertise and resources to develop accounting standards, as does the SEC. In addition, federal bank regulators lack the impartiality to administer disclosure standards dedicated to investor protection and public disclosure since the banking laws are geared to maintaining public confidence in financial institutions rather than requiring the full and complete disclosure of a financial institution's real financial condition.

Mr. President, Congress should resist the suggestion of removing standard setting from the public sector and transferring it to a government agency. If history is any guide, this step would create more problems than it would solve. Every recent effort by a government agency, including the Congress, to set accounting standards has been a total failure. For example, during the early days of the savings and loan crisis, the FSLIC (Federal Savings and Loan Corporation—the former S&L regulator) created "supervisory goodwill" as a mechanism by which healthy thrifts could acquire or invest in fledgling ones. Regulators permitted supervisory goodwill to qualify as regulatory capital. Then, in 1989, Congress enacted stricter capital standards under the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) and mandated that all supervisory goodwill was to be charged-off over an accelerated period ending in 1994, causing severe capital constraints, even pushing some S&Ls to liquidate assets at a severe discount. Between the actions of the regulators and the Congress, the S&L crisis lasted longer than necessary, the recovery took longer than necessary and eventually ended in a $130 billion dollar taxpayer-financed bailout. In fact, the final costs to the federal government of the S&L bailout may increase as a result of the ongoing "supervisory goodwill litigation."

Mr. President, the FASB started working on derivatives and hedging in 1991. It has had an extensive and open process that has involved ample opportunity for public comment, debate and participation by all constituents. This open and deliberative process is still ongoing and will, in the end, produce thoughtful and comprehensive accounting standards that will better inform investors and the financial markets as a whole and contribute to their effective functioning.

Mr. President, I do not want to dwell on the S&L crisis or on the benefits and risks of derivatives. Instead, I simply want to underscore that Congress should not disrupt the FASB's independence and professionalism in setting accounting standards, for derivatives or for any other project. The SEC has jurisdiction over the FASB and the Congress already conducts oversight of the SEC and the FASB. In fact, the Subcommittee on Securities has held two hearings on the derivatives issue. I would oppose authorizing the SEC, or any other federal agency, to set accounting standards. We should leave to the private sector the responsibility to develop accounting and financial reporting standards that are at the heart of the success of our process of capital formation.•

NATIONAL SPORTSMANSHIP DAY

• Mr. REED. Mr. President, March 3rd was the eighth annual celebration of National Sportsmanship Day in over 10,000 schools in all fifty states and more than 100 countries throughout the world.

Recognized by the President's Council on Physical Fitness, National Sportsmanship Day was conceived by the Institute for International Sport, located in my home state of Rhode Island. As the President's Council Co-Chairs Tom McMillen and Florence Griffith Joyner have stated, "this event will serve as a highly visible, one-day effort to stress the importance of ethics and sportsmanship, not just on the athletic field but in all aspects of life. . . having a powerful and positive effect on the youth of the United States and the world."

Heeding President Clinton's challenge to begin a serious dialogue on race relations in the United States, the centerpiece of this year's National Sportsmanship Day was a seminar and town meeting at the University of Rhode Island discussing race issues in sport. This day long event included panels composed of athletes, coaches, and journalists who discussed the many different aspects of these issues.

In addition, the Institute has enlisted the help of several Sports Ethics Fellows, including Mills Lane, a Reno, Nevada district judge and internationally known professional boxing referee, Billy Packer, CBS sports commentator, and Ken Dryden, the president and general manager of the Toronto Maple Leafs. These men and women are wonderful role models who can be admired for more than just their athletic prowess. They have consistently demonstrated an interest in furthering the principles of honesty and integrity in sport and society.

These Sports Ethics Fellows are helping to teach the important lessons of National Sportsmanship Day by developing programs for National Sportsmanship Day. Through competition, young athletes can learn that while winning is a worthy goal, honor, discipline, and hard work are more important. Indeed, these values will guide them in all aspects of everyday life.

Mr. President, I ask my colleagues to join the President's Council on Physical Fitness and Sports and the Rhode Island Congressional delegation in recognizing this day and the principles it embodies.•

THOM HINDLE: DOVER'S CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Thom Hindle, a distinguished individual, for being named the 1998 Dover Citizen of the Year. I commend his passion for American history and his inexhaustible dedication to keeping it alive.

Thom, a Dover native, became very concerned that the history of Dover was not given the appreciation nor the recognition it deserved. As a result, Thom set out to remind and educate the community about the important facts and contributions Dover's history has to offer.

Thom became the trustee for the Woodman Institute, an organization that focuses on preserving and documenting the past. Thom felt that he was preserving Dover's "hidden treasures" and sought to give everyone the chance to experience them. To keep it alive, he wrote a historical book on Dover which included written and pictorial information for future generations.

Thom is also the president of the Northam Colonists, Dover's historical society, as well as a member of the Heritage group, a committee that is part of the historical society. The committee centers on historical areas of the town and also provides guided tours during the fall, which focus on historic homes and other noteworthy sights. He is also a trustee to Dover's oldest elderly care facility, The Wentworth Home. As a trustee, he raises money for a number of city projects that improve the visual aesthetics of the community. His work not only recognizes the important tributes of the past but also those that enrich the present.

As a former history teacher, I appreciate Thom's commitment to history. It is imperative to remember our country's past, to see where we have been as a nation, and to see where we are going as a people. Not honoring American history is not honoring those who have fought, died, and sacrificed for the great nation we have today.

Therefore, we as a generation should carry on the tradition our forefathers started: to continue to fight and strive to improve the lives of generations to come and to never give up the aggressive crusade for greatness and consistent drive for virtue. Like Thom, we should continue to defend the past and augment the future. Mr. President, I want to congratulate Thom for his outstanding work and I am proud to represent him in the U.S. Senate.•

37TH ANNIVERSARY OF THE PEACE CORPS

• Mr. DODD. Mr. President, yesterday, March 3, was designated by the President as the day to pay public tribute to the 37th anniversary of the Peace Corps. Although the official anniversary technically occurred on Sunday, March 1, a day during the week for events to be sponsored in honor of the Peace Corps' anniversary proved to be more practical.

It was nearly four decades ago that President Kennedy signed legislation into law to create the Peace Corps in 1961 and sent the first class of volunteers to Ghana. Since its founding, more than 150,000 Americans have served in the Peace Corps.

The public recognition of the Peace Corps' anniversary has special significance for me personally, as I was fortunate enough to serve as a Peace Corps volunteer in the Dominican Republic some years ago. Like other Americans who have had the honor of serving as Peace Corps volunteers, my service in the Dominican Republic will remain one of the most important periods of my life.

Currently there are 6,500 volunteers, serving in 84 countries around the globe. These people dedicate two years of their lives to addressing the critical development needs of impoverished communities. They help people gain access to clean water, grow more food, help prevent the spread of AIDS, teach English, math and science, aid entrepreneurs in the development of new business, and work with non-governmental organizations to protect the environment.

The Peace Corps has been marked by much success thanks to current and returned Peace Corps volunteers. Based on the Peace Corps' high level of achievement since its creation, and taking into account the unmet needs of the developing world, I support the proposed increase in the Peace Corps Fiscal Year 1999 budget.

The value of the Peace Corps is not limited solely to its overseas volunteer service. There is a "domestic dividend" as well—the experience and value that is brought back to the communities where volunteers return once their two year tour is over. Experience has shown that Returned Peace Corps volunteers participate in their communities across the nation more than most other Americans.

This week, as the nation celebrates the 37th anniversary of the Peace Corps, more than 350,000 students in all 50 states will learn more about life in the developing world by talking with and listening to 5,000 current and returned volunteers, in person, via satellite and by phone. In my home state of Connecticut, one of six states and 23 cities that declared March 3 as Peace Corps Day, students in New London talked to current Peace Corps Volunteers in Panama and students at Balboa High School in Panama via a live CU-SeeMe video conference. With advancing technology, it is exciting to have students in the United States learn more about people in different corners of the world, without even leaving their classroom.

Finally, I commend all of those volunteers, both past and present who have contributed to the success of the Peace Corps. Every anniversary is an important one. This one has been made special by being officially recognized as Peace Corps Day—something that will hopefully become an annual occurrence. It serves as an opportunity for Americans to learn about other cultures of the World and to pay tribute to the more than 150,000 Americans who have dedicated part of their lives to making this a better World to live in. I am confident that we in the Senate are proud of each and every one of them.•

TRIBUTE TO THE EAGLE SCOUTS OF TROOP 358

• Mr. SANTORUM. Mr. President, I rise today to recognize a very special group of young men from one of the oldest African American Boy Scout units in the nation. On February 7, 1998, eleven members of Troop 358 were officially honored as Eagle Scouts.

Troop 358, sponsored by Grace Baptist Church of Germantown, Pennsylvania, has a proud tradition of achievement. In 45 years, Troop 358 has produced a total of 33 Eagle Scouts—including this year's class. To put this in perspective, consider that only 2.5 percent of the nation's 4.5 million scouts ever become Eagle Scouts. Moreover, only about 1 percent of African American scouts reach this goal.

Eagle Scouts learn valuable lessons in leadership, honor, and pride in their communities. In fact, the community service projects that the Scouts completed to earn their badges are as extraordinary as the young men themselves. For instance, one new Scout set up a workshop for inner city kids who wanted to prepare for the Scholastic Aptitude Test. Another young man wrapped up his Eagle service project painting a school. Still another ploughed through months of paperwork to complete 8 of his 29 merit badges in one week.

Mr. President, these 11 new Eagle Scouts—Jarrett Coger, Jerece Barnes, Askia Fluellen, Bruce Frazier, Andre Kydd, Jared LeVere, Sean Long, Kyle McIntosh, Robert Redding, Ernest Stanton and Anwar White—are a credit to their families and to their scoutmasters, A. Bruce Frazier and Charles M. Whiting. They are also living tributes to the late Earl Grayson, who led Troop 358 through both good and bad times for 36 years.

In closing, I ask my colleagues to join me in extending the Senate's best wishes for continued success to the new Eagle Scouts and to all those who have sustained Troop 358 over its 45 year history.•

BEN MEED, THE AMERICAN GATHERING OF HOLOCAUST SURVIVORS, AND GERMAN COMPENSATION

• Mr. D'AMATO. Mr. President, I rise today to briefly comment on the program of German reparations being paid to Holocaust survivors. Over the past two years, we have looked extensively at the role Swiss banks played during the Holocaust. What we found was shocking. Clearly we discovered that in addition to carrying out the mass murder of millions of people, Jews and non-Jews, the Nazis carried off the greatest robbery in history.

After the war, the new government of Germany began a program of restitution for the survivors of the Holocaust. Over the past half-century, Germany has paid billions of dollars to survivors, but can we really say that this is enough? Can we say that it is fair that someone who survived, for example, five months in a concentration camp, but not the six required to obtain compensation, is fair? Can we say that it is fair that someone who survived a Gestapo prison should be denied compensation for their suffering? The answer to these questions is an emphatic NO!

It is time that Germany drop their reservations to paying compensation to all those who deserve it, regardless of income levels, regardless of the time spent enduring Nazi torture. All limitations should be dropped and each and every survivor, everywhere, regardless of their situation, should be provided with compensation.

Mr. President, Ben Meed, the President of the American Gathering of Jewish Holocaust Survivors, makes these same points in a speech he gave at the National Leadership Conference in Washington on February 15, 1998. His speech is poignant and succinct. Holocaust survivors have little time left and they need help. I could not agree more with this wise man's conclusions. At this time, I ask unanimous consent that the text of his remarks be included in the RECORD.

Mr. President, I urge my colleagues to read Ben Meed's words and to help ease the suffering of these survivors of mankind's greatest inhumanity to man. I ask that they be printed in the RECORD.

The remarks follow:

REMARKS BY BENJAMIN MEED AT THE NATIONAL LEADERSHIP CONFERENCE

Distinguished guests, Fellow survivors, my younger colleagues and dear friends

Though many issues of importance will be raised during the day, I want to take this opportunity to convey the dismay and anger felt by survivors toward the reparations program established by Germany and to express the survivors' goal to challenge those programs.

German compensation has become an extremely important—perhaps the most important—issue to survivors. Many survivors need the compensation. And most survivors, even those who would not accept German money before today demand rights for the payment. But time is Germany's ally; time is the enemy for survivors. As nature takes its course, we learn daily of the deaths of more survivors. That unfortunate fact only serves to emphasize the urgency of this matter.

We attend funerals almost daily. Let me also add that since the reparation program started over forty years ago, more than 50% of survivors receiving German pensions have passed away. Germany is not paying to the deceased or to their heir.

After the Holocaust, we survivors were in no position to negotiate directly—also many of us wanted nothing to do—with Germany. Though German money does go to some survivors, the amounts and the conditions attached to the funds humiliate us personally and collectively.

In 1951, Chancellor Adenauer announced that compensation for survivors was Germany's moral responsibility. And, since the 1950's, the Claims Conference has negotiated with Germany on behalf of the survivors. It has served as trustee for their collective interest, and we survivors are grateful for any help extended to us. But whatever was done, was not enough. Much more can be done and must be done quickly.

Until recently, survivors played virtually no role in Holocaust-related compensation matters. We did not negotiate with Germany; we did not decide how the German money would be used; and we did not distribute the money. All of these things were done without our participation.

Yes, the Claims Conference and their leaders deserve our appreciation for the work they did when we were unable to do it. The negotiations with Germany resulted in various compensation programs for survivors. There is the Federal Indemnification Law, the Hardship Fund and the Article 2 Fund. We all know that no amount of compensation can truly "pay" for the damage Germany did to our people. Yet the amount Germany has provided is shameful, and the conditions for eligibility are outrageous and humiliating; they are unacceptable today.

First, the amount Germany has paid is barely a start in repairing the destruction and human misery it caused. Our homes . . . our culture . . . our faith in our fellow man were destroyed. Who will give us back our families, our youth, our health. So much of our minds are still—and will always be—there. Any yet whenever some survivors receive payments, we are told, "look, see how much Germany pays to the survivors!" How can anyone talk about German "generosity" in the context of the Holocaust. It sounds big when you say Germany paid more than fifty billion dollars over forty years to Israel and to other countries in reparations. But think about it, how much did Germany's robbery amount to in four years of the Holocaust? Some historians today are estimating that the robbery was more than three hundred billion dollars worth of land, homes, gold, jewelry and personal belongings—beside murdering our six-million people.

Second, the individual payments Germany has made, though needed by many survivors, are typically small; they do not furnish a dignified life with modest security that Germany has a duty to provide.

Third, only survivors who were in a camp for a minimum of six months, or a ghetto for eighteen months, are entitled to German compensation; and you must prove it with documentation which is difficult if not impossible to obtain. Can you imagine the fear and anguish which lingers from a single day in the Warsaw or Lodz Ghetto, Auschwitz, Buchenwald, or in hiding? Can the people who imposed these insensitive limitations have any idea of what one day in those places felt like? It didn't take a month or two—or certainly six months—to be abused, or to be plagued by nightmares, forever.

Finally, survivors must show virtual poverty—notbeduerftigt—to qualify for payments. This turns the payments into welfare. Thus, the very people targeted by the Nazis for murder are now treated as beggars or, at best, as charity cases. This is disgraceful and insulting to us. Compensation should be paid for what Germany did during the Holocaust; it should have absolutely nothing to do with the circumstances of our lives after the war struggling to rebuild our lives.

As a general matter, the selections the programs make—based on income, previous payments and other restrictive rules are upsetting reminders to survivors of the infamous selections made during the Holocaust. This, to us, is intolerable and cannot remain the same; it must be eliminated.

In sum, too many survivors have been excluded from German payments; too many who have gotten something have been paid too little; too many improper conditions—selections—have been imposed; and too many in immediate need of help will not receive compensation quickly enough to do any good. All this, in the name of humanity and justice, must be changed.

Germany has treated Holocaust reparations like any other business—get the best deal possible; pay as little as possible; and be done with it. Holocaust survivors deserve better. It may be that the claims of survivors are unprecedented; but that is because the Holocaust was unprecedented.

But as we are in the last stages of our lives, there are many needy and lonely survivors who live in distressing circumstances. With an average age exceeding 75, they feel forsaken, afflicted by illness and, in addition to the usual complications of growing old. They still carry the nightmares of the Holocaust.

Now we know that circumstances could have been very different had survivors played a larger role in the compensation negotiations with Germany. Germany would not have dared to take the adamant negotiating positions it regularly took with the Claims Conference had survivors who still bore the numbers of the camps tattooed on their arms been present. And if Germany had played "hard-ball", survivors—from the United States and elsewhere around the world—would or should have walked away from the negotiating table, and taken their case public, or to their own governments for support. For the last few years, we proved the importance of the survivors at the negotiating table. Yes, without survivors, we would not achieve these gains.

Survivors have dedicated themselves to not permitting the world to forget the Holocaust. They played a leading role in establishing museums, memorials and other Holocaust remembrance-related projects in Israel, the United States and elsewhere. We did this not for ourselves—we know what happened—but for the rest of the world, which had to be educated and reminded.

We now are equally determined to do what is necessary to make certain, in the little time we have left, that fellow survivors live out their years in dignity; not full of fear and frustration.

Germany's war against the Jews was more brutal and relentless than the war it waged even against the Allied soldiers. To fulfill its moral obligation, Germany should have a compensation program which gives to every victim, even at this late date, the fullest possible coverage; enough compensation to establish a foundation upon which survivors can live out their lives in dignity, and with security. Germany not only can do it; it is the right thing for Germany to do.

The gross injustices done to Jewish Holocaust survivors should be the concern of everyone. Now it is clear what needs to be done: We want the removal of all restrictions in the German compensation programs; we want German compensation to be inclusive—to cover every remaining survivor; and survivors should be involved in every facet of German compensation; the negotiations and decisions about how the money is used.

My dear fellow survivors, I focus my comments today on Germany but we all know too well that other countries participated in the world's greatest robbery from our Jewish people in Europe. We commend those who are exposing these matters on every level. But we survivors know better that nothing, no nation could be compared to the greatest murder machine of Germany.

We should never forget this. Let us also not forget that we spent a lifetime after the Holocaust educating, documenting and commemorating the Holocaust. We must continue to stand on guard of Remembrance. We should never be blinded with the glitter of gold. The memory of our kedoshim should never be tarnished.

Let us work together, together let us demand what is right.•

TRIBUTE TO THE AMERICAN RED CROSS FOR ITS CONTRIBUTION TO THE RED RIVER VALLEY FLOOD RELIEF EFFORT IN 1997

• Mr. GRAMS. Mr. President, I rise today in honor of "American Red Cross Month" to pay tribute to one of the most exemplary humanitarian organizations the world has ever known, and to specifically recognize how the Red Cross touched the lives of thousands of Minnesotans during the 1997 spring floods.

Each year the Red Cross comes to the aid of victims of 66,000 disasters nationally. When disaster strikes, the Red Cross responds swiftly to the call to relieve human suffering and restore a sense of comfort and normalcy in the face of tragedy—a response honed over its 135 years of service.

This surely was the case when tragedy hit Minnesota in the form of severe flooding in the spring of 1997. When the Minnesota and Red Rivers overflowed their banks, it brought forth a flood of destruction and human misery unseen in this normally peaceful part of the country.

The Red Cross response to this catastrophe was swift and effective. With operations in three states—Minnesota, North Dakota, and South Dakota—the Red Cross provided over 6,994 volunteers to aid in the flood relief effort. In addition, the Red Cross contributed direct assistance to approximately 11,867 families.

In Red Cross service centers, victims were provided with basic necessities which were made scarce or unattainable due to the floods. The extensive damage to private homes displaced thousands, prompting the Red Cross to open 19 shelters which served 6,001 people. In all, the Red Cross served 1,179,950 meals at its 43 feeding sites and with its 64 mobile feeding units. The Red Cross was also able to provide fresh water, clothing, and blankets.

After the water had returned within its banks and it was time for people to return to their homes to begin to clean up the residue left by the flood waters, the Red Cross provided 12,754 cleanup kits to aid in this long process.

In a relatively short period of time, the river took away from some what it had taken a lifetime to build. In order to aid people in dealing with the mental strain brought by such a traumatic experience, the Red Cross made mental health professionals available, who attended to the needs of 15,498 individuals.

During the many weeks of flood recovery work, there were two instances where individuals generously gave significant monetary contributions to the victims of the flood. These anonymous donors were properly referred to as "Angels." While this label is indeed appropriate, it seems that it should also accurately be used to describe the thousands of Red Cross volunteers who came from all over this country and generously gave their time and labor to people known only to them by their need for assistance.

Mr. President, while this was indeed a dark time for Minnesotans in the flood areas, the uncompromising compassion of Red Cross volunteers provided a bright display of kindness, a light that shone in the hearts of the many who so generously gave their time and labor in the face of this great tragedy. On behalf of the people of Minnesota, I wish to offer my sincerest thanks to the men and women of the Red Cross and commend this fine organization for its relief efforts throughout the world.•

ORDER FOR STAR PRINT—S. CON. RES. 77

Mr. CHAFEE. Madam President, I ask unanimous consent that S. Con. Res. 77 be star printed with the changes that are now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS FOR THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 191 submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 191) making majority party appointments for the Committee on Governmental Affairs for the 105th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAFEE. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 191) was agreed to, as follows:

S. RES. 191

Resolved,

SEC. 1. That the following be the majority membership on the Committee on Governmental Affairs for the remainder of the 105th Congress, or until their successors are appointed, pursuant to section 2 of this resolution:

Governmental Affairs: Mr. THOMPSON (Chairman), Mr. ROTH, Mr. STEVENS, Ms. COLLINS, Mr. BROWNBACK, Mr. DOMENICI, Mr. COCHRAN, Mr. NICKLES, and Mr. SPECTER.

SEC. 2. That section 1 of this resolution shall take effect immediately upon the filing of the report by the Committee on Governmental Affairs as required by Senate Resolution 39, agreed to March 11, 1997.

ORDERS FOR THURSDAY, MARCH 5, 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, March 5, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1173, the so-called ISTEA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Madam President, tomorrow, the Senate will resume consideration of S. 1173, the ISTEA legislation. Under the consent agreement, Senator BINGAMAN will be offering an amendment on liquor drive-throughs. Following 30 minutes of debate, the Senate will then debate on the Dorgan amendment on open containers for 60 minutes. At 10:30 on Thursday, the Senate will proceed to two consecutive votes on the Dorgan and Bingaman amendments—Dorgan first and then Bingaman.

Following those votes, it is hoped that the Senate will be able to adopt the funding amendment, which is the so-called Chafee amendment, the underlying amendment we have been dealing with today, and then begin consideration of the McConnell amendment regarding disadvantaged businesses. We hope to be able to enter into a time agreement with respect to the McConnell amendment immediately following those two back-to-back votes. The Senate will continue to consider amendments to the ISTEA legislation throughout the day on Thursday and into the evening. As a reminder to all Members, the first rollcall votes tomorrow will occur at 10:30 a.m., back to back.

ORDER FOR ADJOURNMENT

Mr. CHAFEE. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment following the remarks of Senator LEVIN, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I thank the Chair. I thank the Chair for her usual courtesy and patience.

RECENT DEVELOPMENTS RELATING TO IRAQ

Mr. LEVIN. Madam President, I want to take a few moments to speak about the important developments that have taken place over the last several days relating to Iraq.

On Monday afternoon I met for about an hour with UNSCOM Executive Chairman Richard Butler. Yesterday, General Tony Zinni, the Commander-in-Chief, U.S. Central Command, who would lead any strike that the United States might carry out against Iraq, testified before the Armed Services Committee. I believe that the remarks of Chairman Butler and the testimony of General Zinni would be of interest to my colleagues and to the American people.

I met with Chairman Butler in his office at United Nations Headquarters in New York. Senator WARNER and I had traveled to the Persian Gulf region with Secretary of Defense William Cohen, at the Secretary's invitation, last month and, while Senator WARNER was unable to travel to New York on Monday, a member of his staff, Judy Ansley, was able to attend my meeting with Chairman Butler.

During the course of this meeting, we covered a host of issues concerning UNSCOM inspections relating to Iraq's weapons of mass destruction and their means of delivery. I will not attempt to cover all those issues today but I did want to recap some of the major points that he made.

One of the most important points that Chairman Butler made was that people should not get bogged down in debating the detailed procedures that are being worked out at UN headquarters for UNSCOM to inspect the so-called presidential sites. Instead, the international community should focus on Iraq's clear commitment in the Memorandum of Understanding to finally implement the UN Security Council resolutions to give UNSCOM and the IAEA immediate, unconditional and unrestricted access to any site in Iraq.

Chairman Butler noted a fundamental historic reality that from day 1 Iraq has sought to limit, mitigate, reduce and, in some cases, defeat the law (i.e. UN Security Council's resolutions) by a variety of devices.

I want to just spend one more moment to restate that point. The details are obviously important. But the more you focus on the details that need to be worked out, the more that let's Saddam Hussein off the hook. And the hook here, which he is on and must be kept on, is his commitment and the UN resolution requiring that UNSCOM and the IAEA be given immediate, unconditional, and unrestricted access to any sites in Iraq.

That is the goal. That is the commitment. That is the requirement. That is what Iraq is bound by. That is undisputed.

While, again, details are important, we should not be focusing on the details because the more we do the more Saddam Hussein is going to say, "Oh, all those are details subject to negotiation." We don't want this to get bogged down in negotiations over details. We want to hold Saddam Hussein's feet to the fire. And the fire here is an unqualified commitment to immediate, unconditional, and unrestricted access to any site in Iraq, including the Presidential sites.

Saddam is the one who is going to try to raise and create ambiguity.

Again, while, of course, there are details to be worked out, we should be the ones who are focusing on the clear, unambiguous requirement to open these sites to access.

Chairman Butler confirmed that after UNSCOM became aware, despite earlier denials, that Iraq had possessed 2,100 gallons of anthrax and 3.9 tons of VX, Iraq claimed that it had destroyed those substances. He noted first of all, that was a violation of the UN resolutions, since destruction of such substances is to be carried out by UNSCOM, and second, that UNSCOM was unable to verify that Iraq had destroyed them.

Chairman Butler made the point that since 1995, UNSCOM had found important indicators of weapons of mass destruction programs that Iraq has sought to conceal and about which they have lied to UNSCOM. He noted, moreover, that UNSCOM has evidence of a connection of significant biological substances to Iraq's special security organization, thus demonstrating that Saddam Hussein uses the same apparatus to seek or manufacture weapons of mass destruction that he uses to keep himself in power.

Chairman Butler stated that UNSCOM only goes looking for things in two circumstances: one, when they have evidence that supports a search, such as documentation of the possession of growth media which could be used for biological weapons; and two, when Iraq lies to UNSCOM. In the latter case, a broad forensic investigation has to be undertaken. He was quick to add that just because a specific inspection doesn't "hit pay dirt," doesn't mean that the search is over, particularly in view of Iraq's track record of lies and deception.

Chairman Butler described the Memorandum of Understanding that UN Secretary General Kofi Annan negotiated with Iraq as a "high-level political commitment" that he "hopes to heavens the Iraqis observe." He noted that he has talked to the Secretary General and has received the clarification that when a site, Presidential or not, is inspected by UNSCOM, it will be his decision as to when and where the inspection takes place, how it is inspected, and who the members of the professional, technical part of the team are who will actually carry out the inspection. He also said that those decisions will be made by the Director General of IAEA with respect to nuclear matters. He added that this is consistent with the Secretary General's intention, that the details were being formalized within the United Nations, and that he would let me know if there were any changes to those details.

Chairman Butler added that the diplomats who will accompany UNSCOM inspectors as observers to the eight presidential sites will be there to ensure not only that the UNSCOM inspectors comport themselves with dignity, but also that the Iraqis behave properly as well.

Finally, Chairman Butler noted with concern that there has been a three and one-half month hiatus in some of UNSCOM's work in Iraq, but that he is very pleased that this agreement was worked out that should permit UNSCOM to resume the full spectrum of its activities and that they will shortly test the agreement.

Madam President, Senator WARNER and I have written to the Majority Leader and the Democratic Leader urging them to invite Chairman Butler to come to Washington to meet with all Senators. Senator WARNER and I certainly hope that an invitation will be extended and that Mr. Butler would respond favorably to such an invitation, as we believe that all Senators should have an opportunity to hear directly from this dedicated international public servant.

Madam President, during his appearance before the Armed Services Committee, General Zinni testified that our friends in the Persian Gulf region congratulated the United States when Secretary General Kofi Annan negotiated the MOU with Iraq and they felt it was a victory for United States strength and resolve. He added, in response to my question, that he shared that view. He also testified that he agreed with Chairman Butler that the negotiation of the MOU leaves us in a better position to obtain Iraqi compliance with Security Council resolutions.

I commend all of General Zinni's testimony to our colleagues.

I again thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand adjourned until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 6:39 p.m., adjourned until Thursday, March 5, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 4, 1998:

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2003, VICE TREVOR ALEXANDER MCCLURG POTTER, RESIGNED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT H. BEATTY, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2004. (REAPPOINTMENT)

STATE JUSTICE INSTITUTE

ARTHUR A. MCGIVERIN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000, VICE JANIE L. SHORES, TERM EXPIRED.